SUPREME COURT OF THE UNITED STATES.

No. 143.

JOSE ARGOTE VILLALOBOS, MARIE ROSE, AND FRANCOIS FELIX, MARQUIS DE FOUGERES, APPELLANTS,

vs.

THE UNITED STATES.

ON APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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In the superior court for the eastern district of Florida.

Be it remembered, that on the 8th day of May, in the year of our Lord one thousand eight hundred and twenty-nine, Marie Rose, Francois Felix, Marquis de Fougeres, and José Argoté Villalobos, by their attorney John Rodman, brought and filed, in the office of the clerk of said court, their petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

Petition to the court.

To the honorable Joseph L. Smith, judge of the superior court for the eastern district of Florida.

The petition of Marie Rose, Francis Felix, Marquis de Fougéres, and José Argote Villalobos, respectfully sheweth, that on the 29th day of October, 1817, a grant for 16,000 acres of land was made by the Spanish authorities of East Florida, under the administration of Governor Coppinger, to your petitioner José Argoté Villalobos, for the purpose of erecting on said land a water saw-mill; that the location of said grant, as mentioned therein, was to be on Trout creek, in the then province of East Florida, and now within this district; but that not being able to find an eligible situation for said mill, and a sufficient quantity of land, not previously granted to others, on the said Trout creek, the surveyor general, George J. F. Clarke, under the Spanish government, in virtue of the power with which he was invested by the Spanish government, located 6,000 acres of said grant on Black creek, which is within this district, and the same were surveyed by him, as appears by his certificate of survey and plat thereof, dated the 1st of December, 1817, on file in the office of register of lands for this district, and which certificate and survey exhibit the following lines and boundaries, to wit:

The first line runs north 40 degrees west, 180 chains, to a pine tree. The second line runs south 50 degrees west, 334 chains, to another pine tree. The third line runs south 40 degrees east, 180 chains, to another pine tree. The fourth line runs north 50 degrees east, 334 chains. And 6,000 acres more of said land, granted as aforesaid, were located by the said surveyor general on Indian river, as appears by the certificate of survey and plat of the said surveyor general, dated the 15th of December, 1817, on file also in the office of the said register of lands, and which last mentioned survey and plat exhibit the following lines and boundaries, to wit:

The first line runs north 30 degrees west, 187 chains. The second line runs south 69 degrees west, 322 chains. The third line runs south 30 degrees west, 187 chains. The fourth line runs north 69 degrees east, 322 chains.

And your petitioners further show, that in virtue of the said grant, your petitioners claim title to the three tracts before mentioned, two of 6,000 acres each, situated on Black creek and on Indian river, and one

of 4,000 acres, situated in Alachua; and that this claim is embraced by the treaty, between Spain and the United States, of the 22d of February, 1819, and which claim has not been decided and finally acted under the provisions of the act of Congress, of the 23d of May, 1828, and contains a greater quantity of land than the land commissioners of East Florida were authorized to decide, and above the amount confirmed by the said act of Congress, and in virtue of said act of Congress, is within the jurisdiction of this honorable court.

And your petitioners further show, that one moiety of the two tracts of land of 6,000 acres each, above mentioned, was, on the 14th day of March, 1821, conveyed, by deed of conveyance, from your petitioner Jose Arnoté Villalobos, the original grantee, to your petitioner the Marquis de Fougeres, as appears by a certified copy of said deed of conveyance, together with the proceedings thereon, under the Spanish government of East Florida, filed in the office of the register of lands aforesaid.

And your petitioners further show, that in pursuance of the object which the original grantee of said lands had in view at the time of obtaining the same, though by the terms of the grant it is not made an express condition thereof, your petitioners have built a water saw-mill on the tract of 6,000 acres, located as aforesaid on Black creek.

And your petitioners further show, that on the 29th of November, 1823, they presented their claim for the above mentioned two tracts of land, in virtue of said grant, to the board of land commissioners in East Florida; and that the register and receiver, acting as a board of land commissioners for East Florida, have reported, in their report to the Secretary of the Treasury, dated the 12th of December, 1827, unfavorably on said claim, but they did not report that said claim was antedated or forged; nor has it been so reported by any board of land commissioners; nor has the said grant been annulled by the said treaty, or by the decree of the King of Spain, ratifying the same.

Your petitioners are advised, that said report is unfounded in justice and equity, and is against the rights of our petitioners, under the treaty aforesaid, between Spain and the United States; they therefore pray, that this honorable court will inquire into the validity of their claim as aforesaid, and that a citation may forthwith issue, directed to the district attorney of the United States for this district, requiring him to appear in this honorable court, and answer this petition.

And your petitioners will ever pray, &c.

(Signed) JOHN RODMAN,
Attorney for the petitioners.

Dated the 18th day of April, 1839.

And afterwards, to wit, on the eighth day of May, in the year of our Lord one thousand eight hundred and twenty-nine, a citation was duly issued forth from the clerk's office of said court, to which was annexed a copy of the petition of said petitioners; and upon the twelfth day of May, in the year 1829, the same was duly served upon the district attorney of the United States for the district of East Florida, as appears by the return of the marshal of said district thereon made.

And afterwards, to wit, on the first day of July, in the year 1839, the said attorney of the United States, to wit, Thomas Douglas, esquire, came and filed, in the clerk's office aforesaid, the answer of the said United States to the petition of the said claimants, in the words and figures following, to wit:

THE UNITED STATES OF AMERICA, ads. MARIE ROSE and others. } Superior court, Nov'r term, 1839.

The answer of Thomas Douglas, United States attorney for the district of East Florida, to the petition or bill of complaint of Marie Rose, Francois Felix, Marquis de Fougeres, and Jose Argoté Villalobos.

The said attorney, in the name, and for and on behalf of, the said United States, saving and reserving to them, now and at all times hereafter, all and all manner of benefit of exception, to the manifold errors, defects, and irregularities in the said petition or bill of complaint contained, for answer thereunto, or unto so much thereof as it is material and necessary for them to answer unto, answereth and saith: that he has no knowledge of any such grant for sixteen thousand acres of land (to be located on Trout creek) having been made by the Spanish authorities of East Florida, under the administration of Governor Coppinger, to the said Jose Argoté Villalobos, as is stated, alleged, and set forth in the said petition or bill of complaint; nor has he any knowledge of the making of the surveys in said petition or bill of complaint mentioned and described; or of the conveyance of one moiety of the said two tracts of land, by the said Jose Argoté Villalobos, to the said Marquis de Fougeres; nor of the making and execution of the said deed, or of the proceedings alleged to have been had thereon by the Spanish government of East Florida, as in the said petition or bill of complaint alleged, set forth, and described; or of the building of the said water saw-mill; or whether there was any such deficiency of vacant lands on said Trout creek, as is mentioned in said petition or bill of complaint, except what he has derived from a perusal of the petition or bill of complaint aforesaid, unless it be some vague reports which he has heard of the said Marquis de Fougeres having built a saw-mill somewhere in East Florida, and cannot therefore either admit or deny the same, but respectfully prays this honorable court to require of the said petitioners due proof of the same, as of all the matters and things in the said petition or bill of complaint thereof alleged and set forth, as they are therein stated, according to law and the usages of courts of equity.

And this respondent avers, that if any such grant of land was made by the said Spanish authorities of East Florida, under the administration of said Governor Coppinger, to the said Jose Argote Villalobos, as is mentioned, set forth, and described in the said petition or bill of complaint, (which is by no means admitted,) it was made contrary to, and in violation of, the laws, *of the laws*, ordinances, and royal regulations of the government of Spain, which were then in force in the said province of East Florida, providing for the granting of lands in the said province [of

East Florida, and without any authority on the part of the said Spanish authorities, or the said Governor Coppinger, to make it, and that it was never approved by the King of Spain, and was, and is, wholly null and void. All of which will more fully appear by reference to the laws, ordinances, and royal regulations aforesaid, which this respondent prays leave to introduce and read on the hearing of this cause.

And further, that no power had been conferred upon the said Spanish authorities of East Florida, under the administration of the said Governor Coppinger, or upon the said Governor Coppinger himself, to make grants of land in East Florida, of the magnitude and description of that one claimed by the said petitioners in this suit; nor is it alleged or pretended by the said petitioners, in their said petition or bill of complaint, that any such power or authority ever had been conferred upon the said Spanish authorities, or upon the said Governor Coppinger, by the Spanish government aforesaid.

And this respondent prays, that the said petitioners may be required to shew and prove the specific powers which had been conferred (if any such had been conferred) upon the said Spanish authorities of East Florida, or upon the said Governor Coppinger, to make grants of land in East Florida, at the time when the said supposed grant is alleged to have been made.

And this respondent admits, that the said petitioners presented their claim for said land to the board of land commissioners in East Florida, and that said board of commissioners reported unfavorably thereon, as is stated in the said petition or bill of complaint; but this respondent denies, that the said report is not founded in justice and equity, or that it is against the rights of the said petitioners, under the treaty in said petition or bill of complaint mentioned.

And this respondent further admits, that he has heard (though he does not know it to be true, and cannot therefore admit it as a fact, but requires proof thereof) that the said Jose Argoté Villalobos did present a petition to the said Gov. Coppinger, stating that he had fixed his intentions to establish a mill for sawing timber on the river St John's, named Trout creek, which he represented as affording a site for the purpose; and also, that such an undertaking promised great advantages to the royal revenue in the exportation of that product of the province, and also the supply of the timber necessary for the inhabitants, and supplicating permission to accomplish said mill with a right to five miles square of land, or its equivalent, for a competent supply of timber; and that, on the twenty-ninth day of October, in the year 1817, the said Governor Coppinger, taking into consideration the benefit and utility which would result to the said province in its improvement, if what the said José Argote Villalobos proposed should be accomplished, granted him, without injury to a third person, that he might build a water saw-mill on the creek of the river St. John's, named Trout creek, and also make use of the pine trees which were comprehended within a square of five miles.

And this respondent avers, that if the said supposed grant, last above mentioned, was made in manner and form aforesaid, it was made con-

[illegible] in violation of the aforesaid laws, ordinances, and royal regulations, and without any power or authority, on the part of the said Governor Coppinger, to make it; and that it was never approved by the King of Spain; and that it was, and is, wholly null and void; and that if it had been made by competent authority, and the condition thereof fully complied with, it would have given to the said Don José Argote [illegible] no right of soil in said land whatever, nor any other right except to cut the pine trees on a square of five miles.

And this respondent avers, that neither of the said supposed grants, if they had been good and valid, would have given to the said José Argote [illegible] any right to have located the said land, or any part thereof, at any other place than on Trout creek aforesaid; whereas, the lands now claimed are situated at a great distance from the said Trout creek, in other parts of said province; and that the said tract on Indian river, is more than one hundred miles distant from the said tract on Black creek, and that there is no water communication between them except by sea, and up the St. John's, a distance of more than three hundred miles. The timber upon the said last named tract, therefore, could have been of no use to said mill, which, if it was built at all, was built on or near to Black creek aforesaid. And further, that the said two last named tracts of land were not, nor was either of them, vacant at the time when the said supposed grant is alleged to have been made, but were in possession of the Florida tribes of Indians, commonly called Seminole Indians, who then owned the same, and held the right and title thereto; and that the right and title of the said Florida tribes of Indians to the said lands was never extinguished until the eighteenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, on which day a certain talk was held at a place called Moultrie, in said East Florida, by and between William P. Duval, James Gadsden, and Bernardo Ségui, commissioners for, and on behalf of, the same United States, and certain chiefs and warriors of the said Florida tribes of Indians, at which said talk a treaty was made by and between the United States aforesaid and the said Florida tribes of Indians, by the first article of which said treaty, the said chiefs and warriors, for themselves and their tribes, in consideration of the promises and stipulations therein after mentioned, did cede and relinquish all claim or title which they had to the whole Territory of Florida, with the exception of such district of country as should be therein allotted to them.

And this respondent saith, that the two tracts of land claimed by the said petitioners, under their said supposed grants, were embraced in, and formed a part of, the lands ceded to the United States by virtue of the treaty last aforesaid; and that they were not included in the district of country allotted to the said Indians. All of which will more fully appear by reference to the said last mentioned treaty, which this respondent prays leave to introduce and read on the hearing of this cause.

And this respondent submits, that by certain of the aforesaid laws, ordinances, and royal regulations of the government of Spain, it was promised, that the distribution of lands should be made with equity, and with

out any preference of persons or injury to the Indians; and that it was therein especially provided and commanded, that lands which might be granted to Spaniards should be without prejudice to the Indians, and that those granted to the injury of the Indians should be restored to their rightful owners. All of which will more fully appear by reference to the laws, ordinances, and royal regulations last above mentioned.

And this respondent further saith, that at the time when the said supposed grant is alleged to have been made as aforesaid, the said Jose Argote Villalobos was a Spaniard, and a subject of the King of Spain; and that said lands, so located as aforesaid, under the said supposed grant, were located in prejudice of the rights, and to the injury of the said Indians, and ought to have been restored to them as the rightful owners thereof.

And this respondent further saith, that at the time when said supposed grant is alleged to have been made as aforesaid, it was, and for *for* a long space of time had been, the fixed and settled policy of the government of Spain, to parcel out its colonial domain, in reference solely to the objects of increasing the population of its provinces, and of benefitting its indigent subjects, and that according to that policy, grants for the purpose of speculation were never approved or tolerated by the said government, and that the said supposed grant (if it was obtained by the said Jose Argote Villalobos at all) was obtained by him, as appears by the shewing of the petitioners themselves, for the purpose of speculation only.

And this respondent suggests, that if any such grant of lands was made to the said Jose Argote Villalobos, it was made since the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and eighteen, and that it was, and is, rendered null and void by the latter clause of the eighth article of the treaty made and concluded, by and between the same United States and his Catholic majesty, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen; and that if it had been made, as is alleged in the said petition or bill of complaint, the said Jose Argote Villalobos has, by a total failure to perform the condition on which the said supposed grant was made, and by the sale of a large portion thereof, without having complied with, and fulfilled the said conditions, wholly forfeited and lost all right and title, if any he ever had, to the said lands, and to every part and parcel thereof.

And this respondent further saith, the sale and conveyance of the one moiety of the said land to the said Francis Felix, Marquis de Fougeres, by the said Jose Argote Villalobos, before the condition upon which the said supposed grant (if any such was made at all) was made, contrary to, and against the laws, rules, and regulations which were then in force in the said province on the subject of the conveyance of lands; and that the said sale and conveyance was wholly null and void, and that said Jose Argote Villalobos, by making the same, forfeited all right and title (if he had any) to the said lands. As will more fully appear by reference to the said laws, rules, and regulations aforesaid, which this respondent also prays leave to introduce and read on the hearing of this cause.

And this respondent further saith, that if the said grant was made as aforesaid, the said petitioners, and each of them, have, by a total failure to occupy, improve, or cultivate the said lands, or to perform the said condition, *have* entirely forfeited and lost all right and title which they, or either of them, once had, (if they ever had any to said lands.)

And this respondent further saith, that he is a stranger to all the other matters or things in said petition alleged, and cannot therefore either admit or deny the same, but humbly submits them to judgment, order, or decree of this honorable court, insisting upon all such right and interest as the said United States shall appear to have in the premises, and prays this honorable court to take care of and protect the same.

And now, having fully answered all the matters and things in the said petition or bill of complaint alleged and set forth, the said attorney prays, that the said United States my be hereof discharged, and that their reasonable costs and charges, by them, in [and] about the defence of this suit, paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOS. DOUGLAS,
United States attorney, &c.

Replication and answer.

And afterwards, to wit, on the eleventh day of March, in the year of our Lord one thousand eight hundred and thirty, the said claimants, by their said solicitor, brought and filed, in the clerk's office aforesaid, their replication to the said answer; which said replication is in the words and figures following, to wit:

Superior court for the eastern district of Florida.

José Arcoté Villalobos, & Marie Rose, Francis Felix, Marquis de Fougères. vs. The United States. } In chancery.

The replication of José Arcoté Villalobos, and Marie Rose, Francis Felix, Marquis de Fougères, complainants, to the answer of Thomas Douglas, district attorney of the United States, on behalf of the United States, defendants.

These repliants, saving and reserving to themselves, all and all manner of advantage of exception, which may be had and taken to the manifold errors, uncertainties, and insufficiencies of the answer of the said defendants, for replication thereunto say, that they do, and will aver, maintain, and prove their said bill to be true, certain, and sufficient in the law to be answered unto by the said defendants; and that the answer is very uncertain, evasive, and insufficient in the law to be replied unto; without that, that any other matter or thing, in the said answer contained, material or effectual in the law to be replied unto, and herein and hereby not well and sufficiently replied unto, confessed or avoided, traversed or denied, is true. All which matters and things, these repliants are ready to aver, maintain, and prove, as this honorable court

shall direct; and humbly pray, as in and by their said bill they have already prayed.

(Signed) J. RODMAN,
Solicitor for complainants.

Order for subpœna duces tecum.

And afterwards, to wit, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and thirty-two, before the superior court for the district of East Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the aforesaid year, and on the day aforesaid, to which term this cause had come, by regular continuance, to wit, on the said sixteenth day of May, being a day of said term, the following entry of record was made in this cause, to wit:

JOSE ARGOTE VILLALOBOS and Marquis de Fougères, vs. THE UNITED STATES. } 16,000 acres.

This day came, as well the counsel for the claimants in this cause, as the attorney of the United States for this district, and the counsel for the said claimants move the court for a subpœna *duces tecum*, in the above entitled cause, directed to Antonio Alvarez, keeper of the public archives, requiring him to appear in court to-morrow morning, at ten o'clock, and to bring with him the original grants and other papers connected with this cause, which is ordered accordingly.

Amendment to answer.

And afterwards, to wit, on the nineteenth day of May, in the year of our Lord one thousand eight hundred and thirty-two, Thomas Douglas, esquire, attorney of the United States as aforesaid, brought and filed, in the clerk's office aforesaid, his amendment to the answer heretofore filed by him, which is in the words and figures following, to wit:

Amendment to the answer.

THE UNITED STATES ads. VILLALOBOS AND FOUGERES. } Claim for 12,000 acres of land.

And the said respondent further saith, that Don Ruperto Saavedra, "senor auditor of war" of said province, on the 27th day of October, in the year 1818, at the instance of the said Don Jose Coppinger, governor, as aforesaid, made an official report to the said Governor Coppinger, upon various matters relative to grants and concessions of land before that time made in said province, and amongst other things, upon the rights of those persons to whom grants or concessions of land had been made, upon condition of their establishing mechanical works, such as factories, *saw-mills*, &c., the 8th article of which said report is in substance as follows, to wit:

"The assignment of large portions of territory, which have been made for the establishment of factories, to persons who did not then comply, nor have since presented themselves to establish these mechanical works, ought to be considered without any right or value, and said lands declared perfectly free, that they may revert into the class of public lands; in this particular, also, the conditions for which they have been granted should be referred to, and in case any of them should have no limits, an equitable time be specified for the establishment of the works, which, having passed without carrying them into effect, they be declared vacant." And this respondent saith, that the said Don Jose Coppinger, governor, &c., as aforesaid, afterwards, to wit, on the 29th day of the same month of October, in the said year, 1818, adopted and confirmed the said report, and decreed thereon, in substance, as follows, that is to say: "I conform to the foregoing decree, and let it be complied with, assigning the term of six months, counted from this date (the date last aforesaid) for the establishment of the mechanical works referred to in the 8th article, on the terms therein expressed," all of which will more fully appear by reference to the report and decree aforesaid, as published in White's Compilation, at pages 250 to 253, which this respondent prays leave to introduce and read on the hearing of this cause; and this respondent says, that the said petitioners, or either of them, did not build, or establish the said saw-mill within the said term of six months, but wholly failed and neglected so to do, and that all the right and title of the said Eusebio M. Gomez, if any he had, in and to the said tract of land, under the said supposed concession, was entirely annulled and taken away, by virtue of said decree, so made as aforesaid, and that the said lands became and were perfectly free, and reverted to the class of public lands, at the expiration of the aforesaid term of six months.

And this respondent further saith, that the same Ruperto Saavadra, "senor auditor of war," as aforesaid, in another official report, made by him upon the same subjects, at the instance of the same Governor Coppinger, on the 18th day of January, in the year 1819, amongst other things, says, in substance, as follows, to wit, "although no royal order, nor the regulations, speak of the concessions of lands for the establishment of mechanical works, it is very obvious, that, it being the will of his majesty to improve the province which he has taken so much interest in dispensing, for the purpose, copious favors, the governor had the privilege of granting lands for the establishment of said works, with the same inducements of proprietorship to all those who contributed by their expenditures to works of so much utility to the improvement of industry. Nevertheless, it is certain that many individuals, who have obtained such concessions, have remained in inaction, without having, for so long a period, advanced the establishment of said works, it appears just that such concessions, which have remained in inactivity, should be declared null and of no effect, but not so against those who have advanced the establishment of their works; since, by their industry and expenditures, they have made themselves entitled to every protection to animate their perseverance."

And this respondent further saith, that on the same day and year last aforesaid, the said José Coppinger, governor as aforesaid, adopted and confirmed the report last aforesaid, and decreed thereon, in substance, and to the effect following, that is to say, "I conform the foregoing opinion, and let it be complied with," all of which will more fully and at large appear, by reference to the report and decree last aforesaid, as published in the compilation aforesaid, (at pages 256 and 257;) and this respondent further saith, that at the date last aforesaid, the said petitioners, or either of them, had not built the said mill, or advanced the establishment of the said work, to wit, the building of the said saw-mill, in any manner whatever, as appears by the shewing of the petitioner himself, and that the said supposed grant or concession was entirely annulled, and set aside by the aforesaid decree, last above specified, if, indeed, it was not, originally, entirely null and void.

THO. DOUGLAS,
United States attorney, &c.

Replication.

And afterwards, to wit, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and thirty-two, John Rodman, esq., attorney of the said claimants, as aforesaid, brought and filed their replication to the said amendment, to the said answer, which said replication is in the words and figures following, to wit:

Superior court for the eastern district of Florida.

José Argote Villalobos, and Marie Rose, Francois Felix, Marquis de Fougères, complainants,
vs.
The United States, defendants.
} In chancery.

This replication of the above, complainants, to the answer of the United States, defendants. This repliant, saving and reserving to himself, all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto, saith, that he will aver and prove his said bill to be true, certain, and sufficient in the law to be answered unto, and that the said answer of the defendant is uncertain, untrue, and insufficient, to be replied unto by this repliant; without that, that any other matter or thing whatsoever, in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things, this repliant is, and will be, ready to aver and prove, as this honorable court shall direct, and humbly prays, as in and by his said bill he hath already prayed.

J. RODMAN,
Solicitor for complainants.

Hearing commenced.

And afterwards, before the superior court for the district of East Flo-

nida, holden at the court-house, in the city of St. Augustine, at this term of July, in the year of our Lord one thousand eight hundred and thirty-three, to which term this cause had come by regular continuance, to wit, on the eighteenth day of July, being a day of said term, the following entry of record was made in this cause, to wit:

José Argote Villalobos, and Marie Rose, Francois Felix, Marquis de Fougéres,
against
The United States of America,
} Land claim, 12,000 acres.

This day came, as well the counsel for the said claimants, as the counsel for the said United States, and this cause came on to be heard this day; and the petition of the said claimants, the answer of the attorney of the United States thereto, and the replication of the said claimants, were read to the court; and the said claimants, by their counsel, offered and read the evidence and testimony in support of this claim and filed herein, to wit, a document, filed herein, and marked No. 1, being a translation from a certified copy of the original, as proof of the grant in this case, which was received without objection on the part of the counsel of the United States; also a document, filed herein, and marked No. 2, indorsed "grant to Argote," which is objected to by the counsel for the United States, but was admitted by the court; also a document, marked No. 3, being a plat and survey of six thousand acres of land, by George J. F. Clark, at Black Creek, which was objected to by the counsel for the United States, but admitted by the court; also a document marked No. 4, being a plat and survey and translation thereof, of six thousand acres of land on Indian river, made by George J. F. Clarke, which was objected to by the counsel for the United States, but admitted by the court; also a deposition of George Braning and Micajah Hagens, two witnesses, examined on the part of the claimants, before Matthew J. Phillips, a commissioner appointed for that purpose, under a commission issued from this court, which was read on behalf of said claimants, without objection on the part of the counsel for the United States, and is marked No. 5. George J. F. Clarke was produced, and sworn as a witness in this case, on behalf of the claimants in this case examined, and his testimony reduced to writing. The counsel for the United States then offered and read, in evidence, a deposition marked No. 1, of John Lee Williams, John L. Dogget, and H. D. Baldwin, taken by Elias B. Gould, presiding justice of St. John's county, which was received without objection on the part of the said claimants.

Hearing continued.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-three, to wit, on Monday, the twenty-ninth day of July, being a day of the said term, the following entry of record was made in the cause, to wit:

Josh Argote Villalobos, and Marie Rose, Francois Felix, Marquis de Fougéres, vs. The United States of America.	Land claim, 12,000 acres.

This day came, as well the counsel for the said claimants, as the counsel for the United States, and the court proceeded in the further hearing of this cause. And Antonio Alvarez was sworn as a witness in this case, on behalf of the United States, examined, and his testimony taken.

Hearing continued.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-three, to wit, on Wednesday, the thirty-first day of said month, being a day of said term, the following entry of record was made in this cause, to wit:

Josh Argote Villalobos, and Marie Rose, Francois Felix, Marquis de Fougeres, vs. The United States of America.	Land claim, 12,000 acres.

This day came, as well the counsel for the said claimants, as the counsel for the said United States, and the court proceeded in the further hearing of this cause. And Antonio Alvarez, a witness, heretofore sworn herein, was *made* this day again called and examined, and his testimony taken. The counsel for the United States then offered in evidence certain documents, with translations, from the office of keeper of public archives, and numbered as follows, No. 2, being a certificate and plat of survey made by Geo. J. F. Clarke, of two hundred acres of land, to Donna Isabel Higginbottom, dated 22d of January, 1816, which was objected to by the counsel for claimants as irrelevant, but admitted by the court. The counsel for the United States also offered a document, marked No. 3, being a certificate and plat of survey of five hundred acres of land, to Donna Ysabel Higginbottom, made by George J. F. Clarke, the tenth day of January, in the year one thousand eight hundred and sixteen, which was objected to by the counsel for claimants as irrelevant, but admitted by the court. The counsel for the United States also offered in evidence, a document marked No. 4, being a decree for titles, made by Governor Coppinger to Ysabel Higginbottom, on the 16th April, 1819, which was objected to by the counsel for the claimants as irrelevant, but admitted by the court. The counsel for the United States also offered a document, marked No. 5, being a petition of Elisabeth Higginbottom to Governor Coppinger, for titles to 700 acres of land, and the decree of Governor Coppinger thereon, which was objected to by the counsel for claimants as irrelevant, but admitted by the court. The counsel for the United States also offered in evidence a document, marked No. 6, being a certificate of survey, by Pedro Marrot, of lands to Artemas E. Furguson, dated second of December, seventeen hundred

and ninety one, which was objected to by the counsel for the claimants as irrelevant, but admitted by the court. The counsel for the United States also offered in evidence a document, marked No. 7, being a title to eleven hundred acres of land, by Governor Kindeland to Farquar Bethune, on the 4th day of March, eighteen hundred and fourteen, which was objected to by the counsel for the claimants as irrelevant, but admitted by the court. The counsel for the United States also offered in evidence, a document, marked No. 8, being proceedings on the part of Farquar Bethune, to obtain title to land of eleven hundred acres, which was objected to by the counsel for the claimants, but admitted by the court. The counsel for the United States also offered in evidence a document, marked number 9, being a petition of Bartolome Figueras to Governor Kindelan, for title to twenty-five acres of land, and leave to sell the same, and the decree of the said Governor Kindelan thereon, which was objected to by the counsel for the claimants as irrelevant, but admitted by the court. The counsel for the United States also offered in evidence a document, marked number 10, being a petition of Jose Bornely to Governor White, for leave to sell six hundred acres of land, which was objected to by the counsel for claimants as irrelevant, but admitted by the court. The counsel for the United States also offered in evidence a document, marked No. 11, being instructions which are to be observed by the surveyer, pro tem., Dn. George Clarke, for the surveys of land, and fees which are to be paid him by those who call upon him for that purpose, which was received, without objection on the part of the claimants. The counsel for the United States also offered in evidence, the "instructions which are given to the Captain Don Pedro Marrot, of the third battalion of the infantry regiment of Cuba, which garrison the city of St. Augustine, Florida, appointed by the government, with the assent of the council of ministers, to proceed to survey and laying off the lands which is to be executed by order of his majesty, for the benefit of new settlers," and found in Clarke's Land Laws, at page 998, to the receiving of which in evidence the counsel for the claimants objected, alleging that the same is irrelevant, which objection was overruled by the court, and the said instructions received in evidence. And the evidence and testimony, in this case on both sides, being completed, argument of counsel was heard, as well on the part of the claimants, as on the part of the United States, but the court not having sufficient time to hear further argument in this cause on this day, the further hearing thereof was postponed till to-morrow morning.

Cause submitted.

And afterwards, to wit, on the first day of August, in the year of our Lord one thousand eight hundred and thirty-three, being a day of the said term of July, the following entry of record was made in this cause, to wit:

JOSE ARGOTE VILLALOBOS, and MARIE ROSE, FRANCOIS FELIX, Marquis de FOUGERES,
vs.
THE UNITED STATES OF AMERICA.

Land claim, 12,000 acres.

This day came, as well the counsel for the said claimants, as the counsel for the said United States, and the argument of counsel in this case, as well on the part of said claimants as on the part of the said United States, was on this day concluded, and this cause submitted to the court for its decree therein.

Decree of court.

And afterwards, to wit, at a term of the said superior court for the said district of East Florida, holden at the court house aforesaid on the seventeenth day of November, in the year of our Lord one thousand eight hundred and thirty-four, and on the twenty-fourth day of said month of November, the decree of was entered of record in this cause, to wit:

MARIE ROSE, FRANCOIS FELIX, Marquis de FOUGERES, and JOSE ARGOTE VILLALOBOS,
against
THE UNITED STATES OF AMERICA.

Land claim, 12,000 acres.

Whereas Marie Rose, François Felix, marquis de Fougéres, and José Argote Villalobos, did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved 23d day of May, 1828, on the eighth day of May, 1829, file their petition for the confirmation of certain lands therein mentioned in the clerk's office of the superior court for the eastern district of Florida; and whereas the attorney of the United States for said district did duly appear and answer said petition, and this cause having been heard, and evidence and argument of counsel, as well on the part of the said claimants as on that of the United States, having been offered and submitted to the court, and the court having examined the claim of the said petitioners, and the answer of the attorney of the United States, with the amendment thereto, together with the exhibits and evidence filed in this cause; and having maturely considered the same, doth order, adjudge, and decree, that this claim is not valid, and that this claim, and the two certificates and plats of survey of the land claimed in this case, for six thousand acres each, be, and they are hereby, rejected by this court; but it is ordered by the court that the said petitioners be allowed, if they think proper, to amend their said petition, and to claim lands called for in the grant to the said José Argote Villalobos, and included therein; or the said petitioners may retain their said petition, and re-argue the case to the court.

Re-argument of cause.

And afterwards, to wit, before the same court, at the court house aforesaid, at the term of July, in the year of our Lord one thousand eight hundred and thirty-five, to which term this cause had come by regular continuance, to wit, on the third day of August, being a day of the said term of July, the following entry of record was made in this cause, to wit:

VILLALOBOS and FOUGERES
against
THE UNITED STATES OF AMERICA.

Land claim, 16,000 acres.

This day came, as well the counsel for the said claimants as the counsel of the United States, and argument of counsel under leave of the court entered herein on the 24th of November last, was, on this day, heard, as well on the part of the said claimants as on that of the United States.

Re-argument continued.

And afterwards, before the same court, at the term of July, in the year one thousand eight hundred and thirty-five, to wit, on the fourth day of August, being a day of said term of July, the following entry of record was made in this cause, to wit:

VILLALOBOS and FOUGERES
vs.
THE UNITED STATES OF AMERICA.

Land claim, 16,000 acres.

This day came, as well the counsel for the said claimants as the counsel for the United States, and argument of counsel was, on this day, heard on the part of the said United States.

Amendment of petition.

And afterwards, to wit, before the same superior court, at the term of July, in the year of our Lord one thousand eight hundred and thirty-five, and on the thirty-first of July, came John Rodman, the solicitor for the said claimants, and filed herein an amendment to the petition of the said claimants, in the words and figures following, to wit:

Amendment.

VILLALOBOS and FOUGERES
vs.
THE UNITED STATES.

And the remaining 4,000 acres of said land were located in the district of Alachua by said surveyor general, as appears by the certificate of survey and plat of the said surveyor general, dated the 25th December, 1817, on file herewith; and which last mentioned survey and plat exhibits the following lines and boundaries, to wit: the first line runs west, 250 chains; the second north, 160; the third east, 250; and the fourth south, 160; to the commencement of the first line.

Amendment to answer.

And afterwards, to wit, on the same thirty-first day of July, in the year of our Lord one thousand eight hundred and thirty-five, Thomas Douglas, esq., the counsel for the United States, brought and filed in the clerk's office aforesaid his amendment to the answer of the United States, filed herein; which amendment is in the words and figures following, to wit:

Amendment.

VILLALOBOS and FOUGERES, vs. THE UNITED STATES. } Land claim.

And this respondent further saith, that he has no knowledge of the survey of 4,000 acres of land, which, it is alleged by the petitioners, was made and located in the district of Alachua, by said surveyor general, and therefore leaves the petitioners to such proof as they may be able to make thereof, at the hearing of this cause.

Cause submitted.

And afterwards, before the same superior court, at the term of July, in the year of our Lord one thousand eight hundred and thirty-five, and on the fourteenth day of August, being a day of said term of July, the following entry of record was made in the said cause, to wit:

VILLALOBOS and FOUGERES, vs. THE UNITED STATES OF AMERICA. } Land claim, 16,000 acres.

This day came as well the counsel for the said claimants as the counsel of the United States, and this cause was submitted to the court for its decree thereon, with leave to introduce and file further testimony, and evidence on both sides.

Hearing continued.

And afterwards, to wit, at the same term of July, in the year [of] our Lord one thousand eight hundred and thirty-five, and on the fourteenth day of September, being a day of the said term of July, the following entry of record was made in this cause, to wit:

VILLALOBOS and FOUGERES, vs. THE UNITED STATES OF AMERICA. } Land claim, 16,000 acres.

This day came as well the counsel for said claimants as the counsel for the said United States, and under the leave of the court, entered herein on the fourteenth day of August last, the said claimants' counsel offered in evidence a certificate and plat of survey of 4,000 acres, dated the twenty-fifth day of December, one thousand eight hundred and seven-

teen, to the receiving of which in evidence the counsel for the United States objected, because the said survey does not follow the calls of the grant in this case, and the said survey was received in evidence, subject to the said objection. The claimant's counsel also offered and read in evidence the deposition of George J. F. Clarke, taken under commission in this case. The claimant's counsel then offered in evidence certified copies and translations of various documents, and numbered from [1] to [43] inclusive, which were received in evidence, subject to the objections which may be made to them by the United States attorney, after an examination of them. Antonio Alvarez was on this day sworn as a witness on the part of the claimants, examined, and his testimony taken. The counsel for the United States then offered in evidence all the testimony of James Hall, Jacob Summerall, Samuel Worthington, Britton Knight, William H. Ward, Daniel Hulbert, Anthony Rutant, and Francis P. Fatio, as taken in the case of F. M. Arredondo and Son and others, against the United States, under the agreement of counsel, filed in said case, and all the testimony of Antonio Alvarez, as taken in the case of Elizabeth Wiggins against the United States, under the agreement of counsel, filed in said cause.

Objections to evidence.

And afterwards, to wit, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and thirty-five, Thomas Douglas, esq., the afore named attorney of the said United States, brought and filed in the clerk's office aforesaid his objections to the evidence of said claimants, which said objections are in the words and figures following, to wit:

THE UNITED STATES, ads. VILLALOBOS & FOUGERES.

SUPERIOR COURT, *district of East Florida:*

Claims for a mill grant, 16,000 acres.

The United States, by their counsel, object to all the documents offered in evidence in this case by the petitioners, and numbered from *one* to forty-three inclusive, because they are wholly irrelevant, and especially to all the surveys purporting to have been made by George J. F. Clarke, except such of them as follow the calls [of] the concession respectively, and were made before the 24th day of January, in the year 1818, because the same were made without any authority whatever.

The United States, by their counsel, also object to all that part of the deposition of the said George J. F. Clarke, offered in evidence in this case on behalf of the petitioners, which relates to his written instructions as surveyor general, because a copy thereof is not annexed to said deposition, or produced or exhibited by the petitioners.

And more especially to that part of said deposition by which the petitioners attempt to prove, by the parol testimony of the said George J. F. Clarke, that he possessed, as surveyor general, any discretionary pow-

ent, other and different from those conferred upon him by the written instructions given him by Governor Estrada, to change the location of lands to places not called for by the grant or concession under which the surveys made by him were made respectively, and that such general and discretionary power was conferred by the said Governor Estrada upon the said George J. F. Clarke, by a verbal conversation held between them, subsequent to the date of the said written instructions, and to all evidence of such conversation, and to all evidence of authority conferred upon the said George J. F. Clarke, as surveyor general as aforesaid, by the said Governor Estrada, or any other governor, unless the same were in writing, and the written authority is adduced; and also to all parole evidence of usage upon said subjects, or of the approval of the acts of said George J. F. Clarke, as surveyor general as aforesaid, because if any such usage existed, or any such approval took place, the archives of the province will afford *record* evidence thereof.

THOS. DOUGLAS,
United States Attorney.

Further hearing of the cause.

And afterwards, to wit, at the term of September, in the year of our Lord one thousand eight hundred and thirty-five, and on the seventh day of November, being a day of the said term, the following entry of record was made in said cause, to wit:

VILLALOBOS and FOUGERES,
vs.
THE UNITED STATES OF AMERICA.

Land claim, 16,000 acres.

This day came as well the counsel for the said claimants as the attorney of the United States, and the said attorney of the United States, under leave of the court, entered herein on the 14th day of August last, this day offered in evidence the deposition of Antonio Alvarez, taken under commission issued in this case on the nineteenth day of September, in the year of our Lord one thousand eight hundred and thirty-five, together with the thirteen documents annexed to said deposition, which deposition was received in evidence, subject to the objections of the claimants' counsel, attached to the interrogatories annexed to said commission. The attorney for the United States also offered in evidence another deposition of Antonio Alvarez, taken under commission issued in this case on the sixteenth day of October, in the year of our Lord one thousand eight hundred and thirty-five, together with the fourteen documents annexed to said deposition, which deposition was received in evidence, subject to the objections of the claimant's counsel attached to the interrogatories annexed to said commission. The attorney for the United States then offered in evidence the following documents, to wit: Matrot's appointment as surveyor general, dated the twenty-fourth day of October, in the year of our Lord one thousand seven hundred and ninety-one. Matrot's instructions, dated the twenty-fourth day of Octo-

ber, in the year [of] our Lord one thousand seven hundred and ninety-one. Commission to Enclake, as public surveyor, dated the twentieth day of September, one thousand seven hundred and ninety-one. Commission to Dupont, as public surveyor, dated the fourth day of February, one thousand seven hundred and ninety-three. Commission to G. J. F. Clarke, as surveyor, dated the second day of May, in the year of our Lord one thousand eight hundred and eleven, which were received in evidence, subject to all legal exceptions.

Cause submitted.

And afterwards, to wit, at the July term of the said superior court, in the year of our Lord one thousand eight hundred and thirty-seven, and on the eleventh day of the same month of July, being a day of the said term of July, the following entry of record was made in the said cause, to wit:

VILLALOBOS and FOUGERES
vs.
THE UNITED STATES.

Land claim.

This day came as well the counsel for the said claimants as the counsel for the United States, and this claim was submitted to the court on the evidence and arguments filed herein.

Evidence and testimony.

Evidence offered and read in this cause at the hearing thereof on the part of the claimants, and numbered from one to twenty-three, to wit:

No. 1.

Copy of concession to Argote.

Offered in evidence on behalf of claimants, and received without objection by counsel for the United States.

In Spanish.

SEÑOR GOBERNADOR: D. Jose Argote Villalovos, con el maior respeto a V. S. se presenta y dice, que tiene figiad sus intenciónes en establecer una maquina para aserrar maderas en el cano del Rio de San Juan nombrado Truchor Creeck que proporciona un sitio a proposito al efecto; y como tal obra prometa mayores ventajás a las rentas reales en la extraccion de este fruto de la Prova., como tambien el surtimiento de las maderas requeridas en las poblaciones de ella. A V. S. suplica se sirva conceder de su superior permiso para ql. verfique la citada maquina con el correspondiente derecho a cinco millas en quadro de tierras a su equivalente para el contenido abasto de las madr.

Es gracia que espera al cazar bondad de V. S. Rivera de Sta. Maria, 24th de Octobre de 1817.

JOSE ARGOTE VILLALOBOS.

Decreto.

S. Augustin de la Florida, *29 de Octobre de* 1817.

Teniendose en consideracion el veneficio y utiledad que debe redundar en fomento de la Provincia si venifica lo q. propone Dn. Jose Argote Villalovos se le concede sin prejuicio de tercero que pueda construccer una sierra agua en el cano del Rio de S. Juan nombrado Trout Creek, y asi mismo hacen uso de los pinos que comprenda dentro del quadro de cinco millas que se le mercedan, cuyo aprovechamiento lo disfrutara para dicha sierra sin que otra persona le pueda desfalcar cosa alzuna: y para su resguardo despache par la secretaria la correspondiente certificacion.

COPPINGER.

D. Tomas de Aguilar,
Subte. de Infanteria y Secretario de este Gobierno por S. M.

Certifico que la anterior copia fielmente sacada al original que existe en la secretaria de mi cargo, y en vertud es lo mandado doy la presente en S. Agustin de la Florida veinte y nueve de Octobre de mil ochocientos diez y siéte.

TOMAS DE AGUILAR.

I hereby certify the foregoing memorial and decree to be a true and correct copy of a document on file in my office.

[L. S.] Witness my hand and seal of office, at the city of St. Augustine, this tenth day of September, 1824.

WILL. REYNOLDS,
Keeper of the Public Archives.

Translation by Fatio and Gay.—Memorial.

Senor Governor: Don Jose Argote Villalobos with great respect presents himself to your exc'y, and says, that he has fixed his intentions to establish a mill for sawing timber, on a creek of the river St. John's named Trout creek, which affords a site fit for the purpose; and as such an undertaking promises great advantages to the royal revenue in the exportation of this product of the Province, and also the supply of the timber necessary for the inhabitants, he supplicates your excellency to be pleased to grant him your superior permission that he may accomplish the said mill, with a corresponding right to five miles square of land or an equivalent for a competent supply of timber; a favor which he hopes to obtain from the goodness of your excellency. River St. Mary's, 24th October, 1817.

JOSE ARGO'TE VILLALOBOS.

Decree.

St. Augustine of Florida, *29th of October*, 1817.

Taking into consideration the benefit and utility which would result to the Province in its improvement, if what Don José Argote Villalobos proposes should be accomplished, it is granted to him without prejudice to a third person, that he may build a water saw mill on the creek of the river St. John's, named Trout creek; and also to make use of the pine

trees which are comprehended in a square of five miles, which is granted to him, which advantage he shall enjoy for the said water saw mill, without any other person having the right to diminish it in any respect. And for his security let the corresponding certificate be despatched to him from the secretary's office.

COPPINGER.

DON THOMAS DE AGUILAR, *Sub-Lieutenant of Infantry, and Secretary of this Government for his Majesty.*

I certify that the foregoing copy is faithfully taken from the original which exists in the secretary's office in my charge, and in obedience to orders I give these presents in St. Augustine of Florida, the twenty-ninth of October, one thousand eight hundred and seventeen.

TOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

ST. AUGUSTINE, *27th May*, 1830.

I certify that the preceding is a correct translation of the Spanish document annexed.

A. GAY,
Translator and Interpreter of the Sup'r Court.

No. 2.

Grant to Argote.—Translation annexed.

Offered in behalf of claimants, objected to by the counsel for the United States, but admitted by the court.

In Spanish.—Protocolacion.

En la cuidad de San Agustin de la Florida a doce de Mayo, de mil ochocientos veinté y uno. Yo el infrascrito escribano de Gobierno en virtud de la dispuesto por el Senor Don José Coppinger, coronel de los exercitos nacionale, gobernador militar y gefe politico de esta plaza y su provincia por decreto de diez del corriente, recaido a instancia presentada pot el Marques de Fougeres, consul de su majestad cristianisima, en Charleston residente en esta plaza, procedo a protocolar a continuacion de la instancia con el documento que a ella se accompaña, y es un contrato celebrado con fecha de quince de Marzo ultimo entre el referido Marques y Don Jose Argote Villalobos, relativamente a la Venta y traspaso que este, le ha hecho a aquel de la mitad de un pano de tierra compuesto de seis mil acres situados en el rio de Y. S. y otra mitad de igual porcion en el parage llamado Black creek los cuales son parte de cinco millas en quadro que este gobierno concedio al citado Villalobos en veinte y nueve de Octubre de mil ochocientos diez y siete, conteniendo el citado documento varios articulos de convenio entre ambas partes. En fé de lo cual y de quedar protocolado el citado contrato con su traduccion al Castellano hecha por Don Bernardo Segui en virtud de nombramiento del

tribunal, firma la presente siendo testigos Don Pedro Miranda, Don Francisco Jose Fatio, y Don Domingo Reyes Vecinos presentes.

JUAN DE ENTRALGO,
Escribano de Gobierno.

Memorial.

Senor Gobernador: El marques de Fougeres, consul de su magestad christianisima en la cuidad de Charleston a V. S. con el devido respeto expone, que para los usos que le puedan convenir necesita se traduca al idioma castellano el documento que en Ynglez acompaña, a cuyo efecto. A V. S. Suplica se sirva mandar que por persona intéligente a falta de ynterprete publico se proceda a d'ha traduccion y fecho lo me debuelva; gracia que espera de la notoria justificacion de V. S. San Agustin y Abril veinte y seis de mil ochocientos veinte y uno.

LE M'IS DE FOUGERES.

Decreto.

San Agustin de la Florida y Abril veinte y seis de mil ochocientos veinte y uno. No habiendo ynterpreto publico en esta plaza, verifiquese por Don Bernardo Segui previas las formalidades de derecho la traduccion que se solicita y fecho entrequese al interesado quien satisfara los costos.

COPPINGER.

Ante mi,
JUAN DE ENTRALGO,
Escribano de Gub'no.

Notif'on.

En San Agustin en el mismo dia, mes y ano notifique el decreto que antecedo al Marquis de Fougeres, doy fé.

ENTRALGO.

Otra con acceptacion y juramento.

En dicho dia notifique a Don Bernardo Segui el nombramiento de ynterprete que se le hace y en su inteligencia di'to; que lo acceptava y acepto prometiendo baxo juramento en forma de derecho exercer bien y fielmente las funciones de su encargo segun su leal saver y entender, y firmo de que doy fé.

BERNARDO SEGUI.
Ante mi,
JUAN DE ENTRALGO.

Traduccion.

CAROLINA DEL SUR:

Sepan por la presente que nos de la una parte Jose Argote Villalobos, y Marie Rosa, Francisco Felix, Marques de Fougeres, de la otra hémos combenido lo siguiente. Por cuanto el citado Jose es acreedor a dos panes de terreno en la Florida Oriental que es parte de la concesion de cinco millas en cuadro comprehensivo de diez y seis mil acres mercedadas por el Gobierno Espanol al referido José en treinta y

[illegible] de mil ochocientos diez y siete, constante por ambos en el oficio de dho Gobierno en la Ciudad Florida Oriental; donde condicion en dha merced que el referido José llevara erigir o mandar que se haga sobre el terreno una sierra o molino de agua; y por cuanto una porsion de seis mil acres sobre dicha concesion situados en el Rio Ys., *Yndian river*, en dicha Florida Oriental, y otra tambien de seis mil acres en *Black* haven ha convenido dicho Jose una mitad o igual parte de cada dicha porsion al citado Marques de Folgéres su heredero y asignados bajo los terminos y condiciones que a continuacion se expresaran. Ahora dévese constar por este convenio que el citado Jose en virtud de las condiciones y motivos que se mencionaran, vende y traspasa al predicho Marques sus herederos y asignados la mitad de dha seis mil acres situados en Yndian river, cuya mitad sera establecida y señalada por una linea tomada desde la punta de dho Rio entre la mitad del terreno, paralelo con los linderos que lo dividen de las tierras de Juan H. McIntosh, y terminando al extremo del pinal correspondiente a dicha porsion de terreno segun mas por extenso se acredita de su plano aqui anexo; cuya linea paralela dividira el citado terreno en dos iguales partes, quedando asignado a favor de dho Marques la que linda con las tierras de dicho McYntosh; y siempre que el Marques quisiese en cualquier tiempo interin dos años de esta fecha vender su proporcion de dho terreno dara anticipada noticia al citado José, su agente ó apoderado, quien ó cualquiera de ellos tendra derecho de preminencia a la referida proporcion pagando el mismo precio, que ofreciese cualquiera otra persona siempre que quisiesen, comprarlo quedando José en el mismo caso con el Marques, su agente o apoderado si tuviese por conveniente disponer de su proporcion al mismo tiempo el citado Jose conviene vender y traspasar al dicho Marques, sus herederos y asignados la mitad o igual parte de seis mil acres de tierra arriba mencionado situada en *Black creek*, en dicha Florida Oriental, la cual sera dividida por las mismas partes, mas no tendra efecto hasta que se construya y erisa en parage un molino o sierra de agua, y ninguna de dhas partes sin el consentimiento de la otra, podra, vender alinear ó en manera alguna disponer de ninguna porcion del terreno hast. despues de hacer la divisoria. Yqualmente se ha convenido que las partes se daran respectivamente noticia de su intencion a vender teniendo el mismo derecho y privilegio en si ó sus apoderados como lo especificado con respecto al terreno de *Yndian river*. Y el citado Marques en consideracion a la referida venta y traspaso por dicho Jose conviene y se obliga a construir y erigir a su costa y cargo en dicho *Black creek* un molino de buen material que trabase con dos sierras lo menos sus necesarias maquinas, Dignes y Casas que seran construidar en la manera que llenen las condiciones de la concesion y para el caso ó intento de este contrato deviendo principiar las fabricas para dho molino el dia 6 antes del viente de Abril proximo entrante poniendo todas las fuerzas y fondos necesarios a su perfeccion a fin de que se vea en operacion activa lo mas pronto posible. Despues de construido completamente el molino sera considerado como perteniente ó ambas partes de por mitad, de consiguiente estaran sujetos en igual manera a todos los gastos, manejo

y tapias que se ocasionen participando con igualdad de sus provechos. Y el citado Marques tambien se obliga que antes ó al entregarse y en dar de presente pagará al referido Jose la suma de un peso, y con mismo que en caso de cualquier falta de su parte al cumplimiento de las condiciones de este convenio, sea el ó sus asignados ó apoderado anulado, pagando el citado Jose sus herederos ó asignados la suma de mil pesos cobrables ante cualquiera tribunal teniendose presente sin embargo que el citado Marques de ninguna manera será responsable a las probivi ciones ó impedimentos para dar cumplimiento dimanados de los Yndios de aquel territorio, ó de los Gobiernos y Leyes Espanolas o Americanos, o por otra cualquiera causa que no consista de su parte, más en caso de no efectuarse por falta ó negligencia de dho Marques o que fallesca antes de principiar dicho molino, entonces en este traspaso y convenio no estara mas tiempo sujeto el dicho Jose ó sus asignados, y a todo quedara malo y sin valor, y elicitado Jose se obliga asi mismo, sus herederos, albaceas y asignados que en cualquier tiempo, es decir, despues que este construido dho molino en los terminos y manera especificada, hacer y executar a favor del Marques, sus herederos y asignados el titulo y traspaso que corresponda de los dos enunciados porciones de terreno con arreglo a las presentes ó futuras leyes y regulaciones del Territorio de la Florida Oriental.

En testimonio de lo cual las citadas partes respectivamente firmar y sellar la presente hoy dia quince de Marzo del año de nuestro señor un mil ochocientos veinte y uno.

JOSE ARGOTE VILLALOBOS. [UN SELLO.]
MARQUIS DE FOUGERES. [UN SELLO.]

Testigos:
BANDOMIN.
TOMAS LEAGER.

La traduccion que antecede esta bien y fielment hecha segun mi leal savez, y entender, a cuyo original en idioma Yngles me refiero; y en cumplimiento de lo mandado en el decreto que antecede la estiendo y firmo en San Agustin de la Florida a veinte y ocho de Abril de mil ochocientos veinte y uno.

BERNARDO SEGUI.

Memorial.

Señor GOBERNADOR:

El Marques de Fougéres, consul de su Magestad Cristianisima en Charleston, con el devido respeto a V. S. digo, que para los fines y efectos que me puedan convenir he de merecer de la justificacion de V. S. se sirva mandar protocolar el adjunto documento en Yngles con su traduccion al Castellano y es un contrato que he celebrado con Don Jose Argote Villalobos con fecha de quince de Marzo ultimo, respectivamente á la venta y traspaso que me ha hecho de la mitad de un pano de tierra compuesto de seis mil acres de tierra situados en el Rio de Ys y otra mitad de igual porcion en el parage llamado Black creek, los cuales son parte de cinco millas en cuadro que le fueron mercedadas por esta

Gobierno al citado Villalobos en veinte y nueve de Octubre de mil ochocientos diez y siete por tanto. A V. S. suplico se sirva disponer conforme al principio llevo pedido, y que evacuado se me den los testimonios que pidiese, cuya gracia espero de la justificacion de V. S. San Agustin catorce de Mayo de mil ochocientos veinte y uno.

LE M'IS. FOUGERES.

San Agustin diez de Mayo de mil ochocientos veinte y uno. Como lo pide.

COPPINGER.

Ante mi,

JUAN DE ENTRALGO,
Escribano de Gob'no.

En San Agustin en el mismo dia mes y ano notifique el decreto que antecede al Marques de Fougeres doy fé.

ENTRALGO.

Es conforme a sus originales que quedan en el archivo de mi cargo, a que me remito, y en cumplimiento de lo mandado de pedimento de parte signo y firmo el presente testimonio en seis foyas de papel comun por no usarse el sello. San Agustin de la Florida catorce de Mayo de mil ochocientos veinte y uno.

(A flourish.)

JUAN DE ENTRALGO,
Es'no de Gob'no.

I hereby certify, that I have compared the foregoing with the original on file in my office, and that they are true and correct copies of the same. Witness my hand and seal of office at the city of St. Augustin, this tenth day of September.

[L. S.]

WILL. REYNOLDS,
Keeper of the Public Archives.

Translation by Gay.

Protocol.

In the city of St. Augustine of Florida, on the twelfth of May, one thousand eight hundred and twenty-one, I, the subscribed notary of the government, in virtue of the disposition made by his exc'y Don José Coppinger, colonel of the national armies, military governor, and civil authority of this place, and of the province thereof, by a decree of the tenth instant, issued at the instance, presented by Marquis de Fougeres, consul of his Most Christian Majesty in Charleston, and resident of this place, do proceed to register, in continuation of said instance, the document annexed to it, and it is a contract entered into under date of the fifteenth of March last, between the said Marquis and Don José Argote Villalobos, relating to the sale and transfer, which the second part has made in favor of the first part, of one moiety of a tract of land, comprehending six thousand acres on the Indian river, and another moiety of another tract of equal extent in the place called Black creek, which tracts are part of a square of five miles, which this government granted to the said Villalobos on the twenty-ninth of October, one thou-

and eight hundred and seventeen; the said document containing divers articles of agreement between both parties.

In testimony thereof, and of the said contract *been* registered, translated in the Spanish language by Don Bernardo Segui, appointed by the tribunal for the purpose, in the presence of Don Pedro Miranda, Don Francisco Jose Fatio, and Don Domingo Reyes, witnesses.

JUAN DE ENTRALGO,
Notary of the Government.

Petition.

His exc'y the GOVERNOR:

I, the Marquis of Fougéres, consul of his Most Christian Majesty in the city of Charleston, with due respect, represent to your exc'y, that for the purposes which may be convenient to him, I deem it necessary to have translated in the Spanish language the English document annexed, to which effect your petitioner supplicates your excellency to be pleased to order that its translation be proceeded to by an intelligent person, there being no public interpreter in this place; which being done, the said document will be returned to me. Which favor I hope to receive from the well known justice of your excellency. St. Augustine, on the twenty-sixth of April, one thousand eight hundred and twenty-one.

LE MARQUIS DE FOUGERES.

Decree.

St. Augustine of Florida, on the twenty-sixth of April, one thousand eight hundred and twenty-one. There being no public interpreter in this place, let Don Bernardo Segui, the legal formalities being previously taken, proceed to the translation which the petitioner solicits, and this being done, let it be delivered to the interested party, who will pay the fees.

COPPINGER.

Before me, JUAN DE ENTRALGO,
Notary of the Government.

Notification.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to the Marquis of Fougéres; which I certify.

ENTRALGO.

Another with acceptation and oath:

On the same day, I notified to Don Bernardo Segui the appointment of interpreter conferred upon him; upon which he said that he accepted it, and he did accept it, promising under his legal oath to fulfil well and faithfully the duties of his commission according to his best knowledge and understanding, and he signed; which I certify.

BERNARDO SEGUI.

Before me, JUAN DE ENTRALGO.

Translation.

South Carolina:

Be it known by these presents, that we, Jose Argote Villalobos, on one part, and Marie Rose, Francis Felix, Marques de Fougéres, on the other part, have entered into the following agreement; whereas, the said José possesses two tracts of land in East Florida, which tracts are part of a grant of a square of five miles, comprehending sixteen thousand acres, granted to him the said Jose by the Spanish government on the twenty-ninth of October, one thousand eight hundred and seventeen, as it is registered at large in the office of said government in the said East Florida, the condition of the grant being that the said Jose shall erect, or cause to be erected, on the tract a water saw-mill; and whereas, a parcel of said grant, comprehending six thousand acres, are situated on Indian river, in the said East Florida, and another parcel, also containing six thousand acres, is situated on Black creek, the said José has agreed to transfer one half or an equal part of each of the two parcels aforesaid to the said Marquis de Fougeres, his heirs and assigns, under the terms and conditions which shall be expressed in continuation.

Now, this contract witnesseth, that the said Jose, in virtue of the conditions and motives which will be mentioned, sells and transfers to the said Marquis, his heirs and assigns, one half of the six thousand, acres situated on Indian river, which half will be settled and indicated by a line drawn from the point on said river, which divides the tract in two parts, running parallel with the boundaries which divide it from the lands of Juan H. McIntosh, and terminating at the extremity of the pine land corresponding to the said tract, as it is shewn more at large in the plot thereof hereunto annexed, which parallel line will divide the said tract in two equal parts, and that part shall belong to the said Marquis which is bounded by the lands of the said McIntosh; and if, at any time the Marquis *would* would wish, within two years from this date, to sell his share of the said tract, he shall give previous notice thereof to the said José, his agent, or attorney, who, or any of them, shall be entitled to the preference in regard to the mentioned share, in paying the same price which might be offered by any other person, if it were their wish to purchase; and in the same case will be placed José with respect to the Marquis, his agent, or attorney, if the said José should think proper to dispose of his moiety. At the same time, the said Jose agrees to sell and transfer to the said Marquis, his heirs and assigns, one-half or an equal part of six thousand acres of land mentioned above, situated on Black creek in the said East Florida, which tract will be divided by contracting parties themselves, and the division will not be made until the construction of a water saw-mill be made and erected on the said place; and neither of the said contracting parties, without the mutual consent, will have the faculty to sell, alienate, or in any manner dispose of, any part of the said tract, until after the division takes place. It is likewise agreed that the parties will give to each other notice of their intention to sell; each of them having in themselves, or in their

attorneys, the same right and privilege which has been specified in regard to the Indian river tract. And the said Marquis, in consideration of the said sale and transfer made by said José, obligates himself to construct and erect, at his own charge and expense, on the said Black creek, a mill with good materials, which may work with two saws at least, with all its necessary machinery, dams and houses, which ought to be built in such a manner that the conditions of the grant be fulfilled; and for the intent and purpose of this agreement, the works for the said mill shall have to be commenced on or before the twentieth day of next April, the Marquis supplying all the means and funds necessary to obtain its perfection, in order that it may be in operation and in activity as soon as possible. The mill being completely finished will be considered as the common property of both parties in an equal share, consequently they shall be equally subject to all the expenses, repairs, and management which may take place, and they will equally participate in the profits.

And the said Marquis also obligates himself to pay to the said José the sum of one dollar, before the execution and delivery of this instrument, and he obligates himself also, that in case he should fail in any manner to fulfil the conditions of this agreement, to pay himself, or through his assigns, or attorney, by way of penalty to the said José, his heirs and assigns, the sum of *of* one thousand dollars, recoverable before any tribunal; it being understood, nevertheless, that the said Marquis will be no wise responsible, in case of prohibitions or impediments, preventing him to fulfil his said engagements, if said prohibitions or impediments proceed from the Indians of that territory, or from the Spanish or American laws, or governments; or if impeded by any other cause not originating in himself; but in case the said work be not carried into effect, for default or negligence of the said Marquis, or in the case of his demise before the said mill is commenced, then said José, or his assigns, will no longer be subjected to this transfer or agreement, which will remain null and void. And the said José likewise obligates himself, his heirs, executors, and assigns, at any time, that is to say, after the construction of the said mill in the terms and manner specified, to execute, or cause to be executed, in favor of the Marquis, his heirs and assigns, the corresponding title and transfer of the two mentioned parcels of land in conformity of the present or future laws and regulations of the territory of Florida.

In testimony whereof, the two mentioned parties respectively sign and seal the present, this day the fifteenth of March, of the year of our Lord one thousand eight hundred and twenty-one.

JOSE ARGOTE VILLALOBOS, [SEAL.]
MARQUIS DE FOUGERES. [SEAL.]

Witness—
BOUDOIN,
THOMAS LEAGER.

The preceding translation is well and faithfully made, according to my best knowledge and understanding, and I refer myself to the origi-

nal thereof in English; and in conformity with what is ordered in the preceding decree, I sign it in St. Augustine of Florida, on the twenty-eighth of April, one thousand eight hundred and twenty-one.

BERNARDO SEGUI.

Petition.

His excellency the Governor: I, the Marquis de Fougeres, consul of his most christian majesty in Charleston, with due respect, state to your excellency, that for the purposes and effects which may be convenient to me, I have to solicit from the justice of your excellency, that you may be pleased to order the protocol of the English document annexed, and the translation thereof—which document is an agreement which I have entered into with Don Jose Argote Villaloboz, under date of the fifteenth March last past, relative to the sale and transfer which he has executed to me of one half of a parcel of land, containing six thousand acres of land situated on Indian river, and another half of another parcel of the same extent on Black creek; which parcels are part of a square of five miles which was granted by this government to the said Villaloboz, on the twenty-ninth day of October, one thousand eight hundred and seventeen. Therefore I supplicate your excellency to be pleased to provide, as I have at first solicited, and that afterwards such certified copies as I may want, be given me, which favor I hope to receive from the justice of your excellency.

St. Augustine, on the tenth of May, one thousand eight hundred and twenty-one.

As the party solicits.

COPPINGER.

JUAN DE ENTRALGO,
Notary of the government.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to the Marquis de Fougeres, which I certify.

ENTRALGO.

It is conformable to the originals thereof, which remain in the archives under my charge, to which I refer, and in obedience to superior order, and at the request of the party, I sign and seal the present certificate, in six leaves of common paper, as stamps are not used.

St. Augustine of Florida, on the fourteenth of May, one thousand eight hundred and twenty-one.

[L. S.]

JUAN DE ENTRALGO,
Notary of the government.

I certify, that this is a correct translation of a Spanish document presented to me by John Rodman, solicitor in the case of Argote vs. The United States.

A. GAY,
Translator and interpreter of the sup. court.

No. 3.

Survey of 6,000 acres of land to Don Jose Argote, on Black creek.

Offered in evidence on the behalf of the claimants, objected to by the counsel for the United States, but admitted by the court.

Tierras de Don Carlos Clarke.—

Plan of the Ground Floor of the Mansion House

In Spanish.

Don Jorge Clarke, tinente de milicias de San Agustin de la Florida, capitan del partido de Santa Maria, y agrimensor general nombrado por el gobierno de la misma plaza y su provincia.

Certifico, que tengo medido y deslindado á Don Jose Argote, seis mil acres de tierra sobre el brazo septentrional del caño nombrado Black creek, que desaqua al rio de San Juan, por la parte al Oueste, en parte de mayor cantidad que le fueron concedido por el gobierno para la construccion de una maquina de aserrar maderas: cuyo terreno conforma en sus circunstancias locales con el adjunto plano, y su exemplar conservado en el libro de mediciones a mi cargo. Partido de Santa Maria, primero de Deciembre de mil ochocientos diez y siete.

JORGE J. F. CLARKE.

[For plat see original.]

Translation by Gay.

Don George Clarke, lieutenant of the militia of St. Augustine, of Florida, captain of the district of St. Mary's, and surveyor general of the province by appointment of the Government.

I certify, that I have measured and marked the boundaries of for Don Jose Argote, six thousand acres of land on the south branch of the creek named Black creek, which discharges itself into the river St. John's, on the west side, in part of a larger quantity which was granted to him by the government, for the construction of a mill to saw timber, which land agrees in its local circumstances with the annexed plat and its copy kept in the book of surveys in my charge. District of St. Mary's, the 1st December, 1817.

G. J. F. CLARKE.

[For plat see original.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. S. C.*

Tierras de Don Carlos Clarke,

Pino. 1ª línea, Norte Fgo. al Sueste 180 cads. Pino.

Brazo Septentrional de

Canal

6.000 acres

2ª línea, Sur 50°

línea Sure 34 cads.

Spring Branch.

3a Linea Sun 40° al E. Este 180 cads.

Black Creek.

Sinuoso

...° al Oeste 334 cad.s

St. Augustine, 27th May, 1830.

I certify, that the preceding is a correct translation of the certificate of the survey, and a true translation and delineation of the plat contained in the Spanish document annexed.

A. GAY,
Translator and interpreter of the sup. court.

No. 4.

Survey of 6,000 acres of land, to Don José Argote, on Indian river.

Offered in evidence on behalf of claimants, and objected to by the counsel for the United States, but admitted by the court.

In Spanish.

Don Jorge Clarke, tiniente de milicias de San Agustin de la Florida, capitan del partido de Santa Maria, y agrimensor general de la provincia par nombramiento del gobierno.

Certifico, que tengo medido y deslindado á Don Jose Argote, seis mil acres de tierra por la parte al Oueste de la cabeza del rio Ys, alias Indian river, en el territorio de Mosquitos, en parte de mayor cantidad que le fuy concedido por el gobierno para la construccion de una maquina de aserrar maderas; y se halla en sus circunstancias locales conforme el plano siguiente, y su exemplar concervado en el libro de mediciones a mi cargo. San Agustin, 15 de Diciembre, de 1817.

JORGE J. F. CLARKE.

[For plat see original.]

Translation by Gay

Don Jorge Clarke lieutenant of militia of St. Augustine, Florida, captain of the district of St. Mary's, and surveyor general of the province by appointment of the government.

I certify, that I have measured and marked the boundaries *of of* for Don Jose Argote, six thousand acres of land on the west side of the head of the river Ys, otherwise Indian river, in the territory of Mosquitos, in part of a larger quantity which was granted to him by the government for the construction of a mill to saw timber, and is in its local circumstances agreeable to the following plat, and the copy of it kept in the book of surveys in my charge. St. Augustine, the 15th of December, 1817.

G. J. F. CLARKE.

[For plat see original.]

I certify, the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

ST. AUGUSTINE, *May 27th*, 1830.

I certify, that the preceding certificate and plat are faithfully described in the Spanish document annexed.

A. GAY,
Translator and interpreter of sup. court.

No. 5.

Depositions of George Braning and Micajah Hagens, taken before Matthew H. Philips, esq., a justice of the peace of the county of Duval, under a commission from this court, which were read in evidence on the behalf of claimants, without objection on the part of the counsel for the United States.

TERRITORY OF FLORIDA:

In the name, and by the authority of, the United States of America.

To Matthew H. Philips, esq., justice of the peace in the county of Duval.

Whereas, a certain cause is now depending in the superior court, for the eastern district of Florida, in which said cause, José Argote Villalobos and Marie Rose, Francis Felix Marquis de Fougeres, are plaintiffs, and the United States, defendants; and it being necessary to the investigation of said cause, to have the testimony of William Branning, George Branning, and Micajah Hagens; and you having been named by the said plaintiff, and the said defendants, as commissioner to examine said witnesses, on certain interrogatories. Know ye that, confiding in your prudence, ability, and integrity, you are by these presents appointed, and full power and authority are hereby given to you, diligently to examine the aforesaid witnesses, upon certain interrogatories, to be exhibited to you aforesaid, as well on the part of the said plaintiff, as on the part of the said defendants, or of either party, in said cause; and therefore you are hereby authorised and requested, on a certain day, or on certain days, and at a certain place, or at certain places, to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them, apart, on the said interrogatories, on their respective corporal oaths, or on their respective solemn affirmation, first taken before you as aforesaid; and to take such, their examinations, and reduce them to writing, on paper, and when you shall have so taken them, to sign the same with your name, and enclose and seal the whole together, conformably to the instructions hereunto subjoined.

Witness the honorable Joseph L. Smith, judge of the superior court, for the eastern district of Florida, this fourteenth day of June, in the year one thousand eight hundred and twenty-nine, and in the 53d year of the independence of the United States of America.

GEORGE GIBBS, pr. K. B. GIBBS,
[L. s.] *Clerk of the superior court, for the eastern district of Florida.*

Lindando con tierras de Dn. J

2a. Linea. Nor. 69° Oe. Oeste 322 cadas.

monte_

Pinal_

6.000 acres

1ra. Linea. Sur 30° al Este 187 cadenas

4a Linea Norte 69° Oe

Page 79.

Juan H. Mc Intosh.

Monte.

Rio Ys, alias Indian River.

Zacatal.

1a. linea Norte 30° al Oueste. 187 cads.

Palmo Real.

al S. Este 322 cads.

I certify, the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

St. Augustine, *May 27th*, 1830.

I certify, that the preceding certificate and plat are faithfully described in the Spanish document annexed.

A. GAY,
Translator and interpreter of sup. court.

No. 5.

Depositions of George Braning and Micajah Hagens, taken before Matthew H. Philips, esq., a justice of the peace of the county of Duval, under a commission from this court, which were read in evidence on the behalf of claimants, without objection on the part of the counsel for the United States.

TERRITORY OF FLORIDA:

In the name, and by the authority of, the United States of America.

To Matthew H. Philips, esq., justice of the peace in the county of Duval.

Whereas, a certain cause is now depending in the superior court, for the eastern district of Florida, in which said cause, José Argote Villalobos and Marie Rose, Francis Felix Marquis de Fougeres, are plaintiffs, and the United States, defendants; and it being necessary to the investigation of said cause, to have the testimony of William Branning, George Branning, and Micajah Hagens; and you having been named by the said plaintiff, and the said defendants, as commissioner to examine said witnesses, on certain interrogatories. Know ye that, confiding in your prudence, ability, and integrity, you are by these presents appointed, and full power and authority are hereby given to you, diligently to examine the aforesaid witnesses, upon certain interrogatories, to be exhibited to you aforesaid, as well on the part of the said plaintiff, as on the part of the said defendants, or of either party, in said cause; and therefore you are hereby authorised and requested, on a certain day, or on certain days, and at a certain place, or at certain places, to be appointed by you for that purpose, to cause the said witnesses to come before you, and them and there to examine each of them, apart, on the said interrogatories, on their respective corporal oaths, or on their respective solemn affirmation, first taken before you as aforesaid; and to take such, their examinations, and reduce them to writing, on paper, and when you shall have so taken them, to sign the same with your name, and enclose and seal the whole together, conformably to the instructions hereunto subjoined.

Witness the honorable Joseph L. Smith, judge of the superior court, for the eastern district of Florida, this fourteenth day of June, in the year one thousand eight hundred and twenty-nine, and in the 53d year of the independence of the United States of America.

GEORGE GIBBS, pr. K. B. GIBBS,
[L. S.] *Clerk of the superior court, for the eastern district of Florida.*

When the testimony is taken, the commissioners are required to sign their names at the bottom of each sheet of the depositions, and of the whole, after fixing and sealing the several sheets together; then to enclose the whole examination, commission and all, in an envelope, sealed up, and their names written on the outside, across the seals, and to endorse the packet on the corner thereof, with the names of the parties, and to direct the same to George Gibbs, esq., C. S. C. D. E. F., at St. Augustine, and put it in the post-office, or deliver it to the agent or attorney of the party who obtained the commission.

GEORGE GIBBS, *Clerk*,
Pr. K. B. GIBBS, *Dep. Clerk.*

Direct Interrogatories.

Superior court, for the eastern district of Florida.

Jose Argote Villalobos, and Marie Rose, Francois Felix, Marquis de Fougéres, vs. The United States. } Petition for confirmation of claim to 12,000 acres of land.

Interrogatories to be administered to William Branning, George Branning, and Micaja Hagans, witnesses, residing in Duval county, to be sworn and examined in the above entitled cause, on the part of the petitioners, before Matthew H. Phillips, esq'r, a justice of the peace, in said county:

1st interrogatory. Do you know any thing of the building of a saw-mill, by the Marquis de Fougeres, one of the petitioners in this cause? If so, please to state when said saw-mill was built and completed, and whether the same was at any time, and when, in operation; and where the same was or is situated; and whether it is within your knowledge, that the said saw-mill was built on a tract of land of 6,000 acres, surveyed and laid off for the said Jose Argote Villalobos, one of the petitioners in this cause, under a grant made to him by the Spanish government of East Florida, in the year for 16,000 acres of land.

2d. If there be any other matter or thing within your knowledge, in relation to said grant of land, and the building of the said saw-mill, which may be beneficial to the petitioners in this cause, please to state the same, as particularly as if you were specially thereto interrogated.

J. RODMAN,
Attorney for the petitioners.

Thomas Douglas, United States attorney, for the district aforesaid, for and on their behalf, reserves the right of making any objection, at the hearing of the said cause, to the foregoing interrogatories, or either of them, or to the answers thereto, which he would be entitled to make if the witnesses were then examined in open court.

THO. DOUGLAS,
United States Attorney, &c.

Cross Interrogatories.

Cross interrogatories to be propounded, on behalf of the United States, to William Branning, George Branning, and Micajah Hagans, the above named witnesses:

1st cross interrogatory. If, in answer to first foregoing direct interrogatory of the said petitioners, you say that a saw-mill was built by the Marquis de Fougeres, one of the petitioners in this cause, on a tract of land of 6,000 acres, surveyed and laid off for the said Jose Argote Villalobos, one of the petitioners in this cause, under a grant made to him by the Spanish government of East Florida, in the year for 16,000 [acres] of land, please to state when, from whom, and in what manner, you obtained your information in relation to the building of the said mill, the making of the survey, and the said supposed grant of the said tract of land, by the Spanish government of East Florida, to the said Jose Argote Villalobos, for 16,000 acres of land; and particularly whether you have any personal knowledge that such a grant of land was ever made; if you have, please to state all you know on the subject, and how you obtained such knowledge.

Second. Please to state where the said tract of land is situated, whether north or south of Black creek, and whether east or west of the St. John's river, and describe particularly the quality of the said tract of land, stating distinctly the quantity of live oak, and other hammock land which it contains, and what portions of the said 16,000 acres are fit for cultivation.

Third. Is there any other matter or thing within your knowledge, in relation to the said supposed grant of land, or the building of the said saw-mill, or the making of the survey aforesaid, which may be beneficial to the United States in this cause; if there is, please to state the same as fully and particularly as if you were specially thereunto interrogated.

THO. DOUGLAS,
United States Attorney, &c.

Answers to direct interrogatories, by George Branning, one of aforesaid witnesses:

Superior court, for the eastern district of Florida.

JOSE ARGOTE VILLALOBOS, and Marie Rose, Francois Felix, Marquis de Fougeres, vs. THE UNITED STATES. } Petition for confirmation of claim to 12,000 acres of land.

Interrogatories to be administered to George Branning, witness, residing in Duval county, to be sworn and examined in the above entitled cause, on the part of the petitioners, before Matthew H. Phillips, esq., a justice of the peace of said county:

TERRITORY OF FLORIDA, *Duval county:*

By virtue of a commission from the honorable the superior court for

the eastern district of Florida, to me directed, I have caused George Braning, one of the persons in the said commission named, to come before me, and being duly sworn true answers to make to certain interrogatories to the said commission annexed, deposeth and answereth as follows:

To the first interrogatory he answers: I know that Marquis de Fougeres had a saw-mill built, which said saw-mill was commenced in the fall or winter of the year one thousand eight hundred and twenty-two, and I think, put in operation in the year one thousand eight hundred and twenty-five. About this time I saw said mill in operation. The said saw-mill is situated on the north prong of Black creek, about four miles, by land, above the fork of said creek. I never have seen, neither do I know, any thing of a grant for said tract of land.

Second. I know nothing that I believe would be beneficial, more than I was employed by the Marquis de Fougeres, in the spring of the year one thousand eight hundred and twenty-two, and carried on the building of houses, &c., on the improvement where the said saw-mill now is, until Albert F. Roux took possession, in the fall or winter following who built said saw-mill, and that there was one single log house at said place, when I took possession. Sworn and subscribed this twenty-seventh day of June, one thousand eight hundred and twenty-nine.

GEORGE BRANING.

MATTHEW H. PHILLIPS, [L. S.]
J. P. and Com.

Answers of same witness to the cross interrogatories propounded to him:

Cross interrogatories to be propounded, on behalf of the United States, to George Braning, one of the persons in said commission named; deposeth and answereth as follows:

To the first cross interrogatory he answers—

In the year 1822 and 1823, I hauled the timber for the building of said saw mill, and saw Albert F. Roux and Thomas Heath, mechanics, at different times at work on said saw mill, and other hands. I know nothing of any grant or survey for said tract of land.

Second. The improvement is on the south side of the north prong of Black creek, and on the west side of St. John's river; the land around the improvement for the space of three miles is generally poor pine barren, cypress ponds, palmetto flats, long gauls and sand ridges, and but very little live oak or hammock.

Third. I know nothing more, that I think would be beneficial to the United States in this cause.

Sworn and subscribed this 27th day of June, 1829.

GEORGE BRANING.

MATTHEW H. PHILLIPS.
J. P. and Com. [L. S.]

Answers of Micajah Hagin, to the direct interrogatories propounded on the part of the claimants.

Superior Court for the eastern district of Florida.

José Antoth Villalobos, and Marie Rose, Francois Felix, Marquis de Fougeres, vs. The United States.	Petition for confirmation of claim to 12,000 acres of land.

Interrogatories to be administered to Malachi Hagin, witness, residing in Duval county, to be sworn and examined in the above entitled cause on the part of the petitioners, before Matthew H. Phillips, esq., a justice of the peace in said county.

Territory of Florida, *Duval county*:

By virtue of a commission from the honorable the superior court for the eastern district of Florida, to me directed, I have caused Malachi Hagin, one of the persons in the said commission named, to come before me, and being duly sworn true answers to make to certain interrogatories to the said commission annexed, deposeth and answereth as follows:

To the first interrogatory he answers:

First. Marquis de Fougeres built a saw-mill, and she was in operation about the first of June, in the year eighteen hundred and twenty-four; said saw-mill is situated on the north prong of Black creek, about four miles by land above the fork of said creek. I do not know any thing of any grant for land where said saw-mill is built.

Second. I know nothing more that would be beneficial to the petitioners in the above cause.

Sworn and subscribed this third day of July, one thousand eight hundred and twenty-nine.

MALACHI HAGIN,
MATTHEW H. PHILLIPS,
J. P. and Com. [L. s.]

Answers of same witness to the cross interrogatories propounded to him on behalf of the United States.

Cross interrogatories to be propounded on behalf of the United States, to Malachi Hagin, one of the persons in said commission named, deposeth and answereth as follows:

To the first cross interrogatory, he answers—

1st. In the year one thousand eight hundred and twenty-three, I was personally where the said saw-mill was building, and did part of the iron work for said mill, and in the year one thousand eight hundred and twenty-four, I moved to the said saw-mill, and in that year I helped to put the said saw-mill in operation; as to the making the survey or grant, I know nothing about it.

Second. As to the said tract of land, I know nothing about any survey; the said saw-mill is built on the west side of the north prong of Black

south, and northwest of St. John's river; as to the land near said river, will be principally poor pine barren, some skirts of black jack ridges and bay gauls; as to the live oak, there is a few small trees standing on or near the banks of said creek; there is but very little hammock.

Third. There is nothing more as I know of that would be beneficial to the United States.

Sworn and subscribed this third day of July, one thousand eight hundred and twenty-nine.

MALACHI HAGIN,
MATTHEW H. PHILLIPS,
J. P. and Com. [L. s.]

No. 6.

Testimony of Geo. J. F. Clarke, taken in open court on the 18th day of July, in the year of our Lord one thousand eight hundred and thirty-three.

Superior court, East Florida, July term, 1833.

JULY 18th, 1833.

VILLALOBOS and FOUGERES, vs. THE UNITED STATES. } Land claim.

George J. F. Clarke, called as a witness on behalf of the claimants, and first sworn on his voir dire, states, that he is not interested in the event of this suit between Villalobos and Fougeres vs. the United States, and does not know that he will lose or gain any thing, in the event of a decree for or against the claimants.

On being sworn to testify in this case on behalf of the claimants, states, that he always acted upon the same rule in changing the location of grants when the party wished me to do so; it was a practice followed by my predecessor, to change the location of grants whenever the party required it; I frequently changed the location of grants. Witness states that the Spanish government has always acted upon those acts of his in changing locations, and made no objection. Witness states that there was no formal report on changing a location, the certificate generally mentioned it, and stated that the land they located was in lieu of that mentioned in the grant. Witness does not know that any change of location made by him was ever disapproved of. Witness states that he does not know how long John Lee Williams, or John L. Dogget, have resided in East Florida; does not know whether they were here at the change of flags or not.

Cross examined by United States attorney.

Witness states that Marrot was my predecessor, as surveyor general. Witness states that some of his instructions were written, and some verbal. Witness states, in general, I returned my surveys to the office of the archives, sometimes I returned them to the government secretary; I

[illegible]

[illegible] shortly after the survey. Witness says, that he is [illegible] whether the survey was made before or after the building of the mill. Witness states that he does not recollect that there have been any cases [illegible] in which the location was changed by him as surveyor general, but he had no doubt there were many such cases in the office of the public archives. Witness states that he was in the practice of changing the locations of grants for ten or twelve years. Witness states that he does not recollect which of his deputies made the survey of the tract claimed in this case on Black creek; the deputies' returns were usually made to him, and the certificate of survey drawn out by him, and that he created his deputies and dismissed them at his pleasure, and that he had deputies in different parts of the country, but they were not confined to particular limits. Witness states that the locations of grants were frequently changed by decree of the governor. Witness states that he was in the practice of changing locations for 10 or 12 years, and that he cannot recollect that he commenced that practice at any particular time. Witness states that he cannot recollect or point out any particular case in which his predecessor changed the location of a grant [illegible]. Witness states that he has several times changed locations of his own, where he has changed the location of the grant.

Examined by the Court.

Witness states, that in changing the location of a grant at the will of the grantee, he received no consideration. Witness states, that there was a precise limitation as to the quantity of land to be allowed for the erecting of a saw-mill. Witness states that the inducement of the Spanish government in making such large grants of lands for erecting saw mills, was as a compensation to the grantee for the benefit he conferred on the country in erecting the saw-mill, and the expense he might be put to in erecting it. Witness states that the quantity of land granted in such grants was governed by usage. Witness states that he don't recollect a grant, in which there is a limitation as to the time within which the mill was to be erected. Witness states that the quantity of land granted in mill rights varied. Quesada gave one hundred acres to every head of a family, and fifty to every other son, and White gave a much less quantity; there was a positive rule made by them. Witness states that the decrees in mill grants run differently; some of them stated that the grantee should have the lands; and others that the grantee should have the use of the pine trees without any other person having the right to cut any thing from them, but all had the right to the land that built the mill. Witness states that the grantee was not bound to have the use [illegible] mentioned in the grant, or to locate the particular quantity [illegible] mentioned in the grant. Witness states that [illegible]

Examined by U. S. attorneys.

Witness states, I never heard of the governor's refusing to change the location of a grant.

Examined by claimants' attorneys.

Witness states, that he knows of one case, in which a royal title was given on a mill grant.

Examined by the court.

Witness states, that he believes there were no written laws to regulate the granting of lands in this country; the king issued the royal orders, and the quantity was left to the governor.

No. 7.

Deposition of George J. F. Clarke, taken by commission before Joseph S. Sanchez and John C. Cleland, commissioners on behalf of the claimants.

Offered on behalf of the claimants, and read, subject to the objections of the counsel for the United States.

TERRITORY OF FLORIDA:

In the name, and by the authority of, the United States of America.

To Joseph S. Sanchez and John C. Cleland, greeting:

Whereas, a certain claim to land is now depending in the superior court for the eastern district of Florida, in which said claim Villalobos and Fougeres are claimants, and the United States of America, defendants; and it being necessary to the investigation of said cause, to have the testimony of George J. F. Clarke, [and] the said Joseph S. Sanchez having been named by the said claimant and the said defendant as commissioner to examine the said witness on certain interrogatories:

Know ye, that confiding in your prudence, ability and integrity, you are by these presents appointed, and full power and authority are hereby given to you, diligently to examine the aforesaid witness upon certain interrogatories to be exhibited to you, as well on the part of the said claimants, as on the part of the said defendant, or of either party in said cause; and therefore, you are hereby authorized and requested, on a certain day, or on certain days, and at a certain place, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their corporal oaths or solemn affirmations, first taken before you; and to take such their examinations, and reduce them to writing on paper, and when you shall so have taken them, to sign the same with your names, and enclose, and seal the whole together, conformably to the instructions hereunto subjoined.

[illegible] vs. [illegible].

[illegible] you will truly, faithfully, and without partiality, to any or either of the parties in said cause, take the examination and deposition of every witness produced to you, and examined by virtue of this commission, upon the interrogatories hereto annexed, and produced to you; and that you will not publish or make known to any person whosoever, except the clerk or clerks, who may by you be employed, and sworn to secrecy in the execution of this commission, the contents of any of the depositions of the witnesses to be taken by you in this commission named, until publication shall pass by rule or order of said superior court.

Witness the honorable Robert Raymond Reid, judge of our superior court for the district of East Florida, this 18th day of August, A. D. 1835.

K. B. GIBBS, Clerk.

Instructions.

When the testimony is taken, the commissioner is required to sign his name at the bottom of each sheet of the depositions, and the whole, after fixing and sealing the several sheets together, then to enclose the whole examination, commission, and all in an envelope, sealed up with your name written on the outside across the seal, and to endorse the packet on the corner thereof, with the names of the parties, and to direct the same to Kingsley B. Gibbs, clerk of said court, at St. Augustine, and deliver it to him.

Direct interrogatories.

Superior court, term of July, 1835, sitting in St. Augustine, East Florida, for trial of land claims.

VILLALOBOS AND FOUGERES, vs. THE UNITED STATES.

Land claim for 16,000 acres.

Interrogatories to be proposed to George J. F. Clarke, late surveyor general of the province of East Florida, under the crown of Spain.

A witness to be produced, sworn, and examined, in the above named cause, in behalf of the claimants, before commissioners of this court, according to law.

Interrogatories.

First. Be pleased to state, whether or not the instructions bearing date the tenth of June, 1811, purporting to be instructions to you as surveyor general of the province of East Florida, are the only instructions which you received from the governor or governors of this province. If not, you are requested to state whether the instructions which you received as surveyor general of this province, and which you have [illegible]

[illegible]

[illegible] August, 1825.

JOSEPH [illegible]
Attorney for claimants.

Cross interrogatories

To be administered to the above mentioned George J. F. Clarke, on behalf of the United States.

First. Please to state when you were appointed surveyor general of the province of East Florida, and by whom, and how long you held that office.

Second. If you ever received any instructions as such surveyor general, besides those referred to in the first direct interrogatory, please to state particularly when, and by what governor, each set of such other instructions were given, and annex a copy thereof to your deposition to be taken upon the foregoing interrogatories.

THO. DOUGLAS,
United States attorney.

The counsel for the United States, on their behalf, will object to any testimony that may be given by the above mentioned George J. F. Clarke, relative to the instructions mentioned in the second direct interrogatory, unless such instructions are produced; and now object to the [illegible] shown of said second direct interrogatory.

THO. DOUGLAS,
United States attorney, &c.

Answers to direct interrogatories.

In the superior court, district of Florida, sitting in St. Augustine, for the trial of land claims.

VELALDES AND FOUCHERE, vs. THE UNITED STATES.

Land claim for 16,000 acres.

The answers of George J. F. Clarke, late surveyor general of the province of East Florida, under the crown of Spain, to the interrogatories propounded to him in the above entitled cause, the said Clarke having been first duly sworn, and his answers taken before the commissioners named in the annexed commission.

To the 1st direct interrogatory, witness answers:

The instructions of the tenth or eleventh of June, 1817, I received from governor Estaudo, [illegible] soon after my appointment. In point of [illegible] they are [illegible] and otherwise, [illegible] On receiving them I waited on the governor, and mentioned the difficulties that would [illegible] being bound to them. [illegible] that he attached no importance to them, and [illegible]

Second direct interrogatory, witness answers:

The instructions under which I acted in the discharge of my duties as surveyor general, were general and discretionary, as above stated. The general and discretionary manner in which I exercised the duties of my office were well known to the several governors under whom I acted; they always approved of my official conduct, and honored me with their confidence.

GEO. J. F. CLARKE.

Answers to cross interrogatories.

To the 1st cross interrogatory, witness answers:

I was appointed surveyor general of the province of East Florida, early in the month of May, eighteen hundred and eleven, by Governor Estrada, and held that office until the change of [illegible] twenty-one.

Second cross interrogatory, witness answers:

My answer to the first direct interrogatory, proposed by the petitioners in this case, contains a full answer to this cross interrogatory. I have stated the character and extent of my instructions, and powers general and discretionary received from Governor Estrada, and sanctioned and approved by him and his successors, Governors Kindelan and Coppinger.

GEO. J. F. CLARKE.

We, whose names are hereunto affixed, as commissioners named in the annexed commission, do certify, that after having been sworn according to law, we did proceed to examine on oath, the witness George J. F. Clarke, in the said commission named, according to the interrogatories hereunto annexed, and his answers thereunto are herewith truly and faithfully set forth.

JOHN C. CLELAND,
JOS. S. SANCHEZ.
Commissioners.

No. 8.

Plat and certificate of survey of 4,000 acres of land, to Don Jose Argote, in Alachua.

Offered in behalf of the claimants—objected to by the counsel for the United States, and received subject to objections.

In Spanish.

Don Jose Clarke &c.

Certifico que tengo medido y deslindado a Don Jose Argote quatro

mil varas de tierra en el territorio de Alachua, y por el sitio Norte de la dicha grande por completo de la cantidad de diez y seis mil libras que le fueron concedido por el gobierno para la construccion de una maquina de hacer maderas cuyo terreno aparece conforme el plano siguiente que original conservado en el libro de mensuras de mi cargo. San Agustin, 23 de Diciembre, 1817.

JORGE J. F. CLARKE.

(For plat see original.)

I Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify, the foregoing to be a true and correct copy of the original now on file in my office, to which it was transferred according to law, by the register and receiver of the land office, while acting as land commissioners, as part of the papers relative to private land claims in East Florida, aforesaid.

Witness my hand and seal of office, at the city of St. Augustine, Territory of Florida, this thirty-first day of July, A. D. one thou- [L. S.] sand eight hundred and thirty-five.

ANTONIO ALVAREZ, *K. P. A.*

Translation.

Don Jorge Clarke, &c.

I certify, that I have measured and bounded to Don Jose Argote four thousand acres of land in the territory of Alachua, and to the north-east of the Great Savanna, to complete the quantity of sixteen thousand acres, that were granted to him by the government for the construction of a machine for sawing lumber; which land agrees with the following plat and its copy, which I preserve in the book of surveys in my charge. St. Augustine, 23th December, 1817.

JORGE J. F. CLARKE.

(For plat see original.)

I certify, the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,

Int. and Sp. Translator.

No. 9

Grant of 200 acres of land to L. Mattair, on Amelia Island, and certificate and plat of survey.

Offered in evidence on behalf of the claimants, and received subject to the objections of the counsel for the United States.

Señor Gobernador:

Lewis Mattair natural y havitante de esta provincia con el debido respeto a V'd se presenta y dice: que por motivo de la revolucion de esta provincia a principios de 1812, fuy obligado á retirar con su crecida familia de la tierra firme donde estaba establecido en su plantage gozando de una buena y suficiente [illegible] que abandano a los ruinos incursos de los insurgentes para conservar con sus servicios en esta Isla la caracter de fidelidad al gobierno que siempre ha mantenido, como consta por las certificaciones del comandant Dn. Francisco Riberas, capitan de partido Dn. Felipe B.to Yonge, que estan depositadas en esa secretaria de gobierno, y habiendo aplavad aquella revolucion budero a su d'ha habitacion a comenzar de nuevo sus mejoras hallando esquilmadas estas, sus animales y demas bienes que por su precipitado refugio a esta lo fue preciso dejar aye y testablecidas en parte que fueron sus perdidas la vispa revolucion de fines de 1813, que lo obligo buelver a este destino dejdud su todo a nueva ruina y como que se halla inpotibilitado a buelver a su d'ha havitacion, tanto for falta de los medios como por la inseguridad que todavia existe en la tierra firme de esta frontera.

A V. S. rendidamente suplica se sirva concederle un pedazo de tierra que hay vacante en esta Isla entre las tierras de Don Domingo Fernandez y Dpn Santiago Cashen que contiene tres cientos acres la que se compone de pinal negadizo con solo como de treinta a quarante acres de tierra de cultivo, y el restante que unicamente puede servir para pasto de sus animales. Gracia que en virtu de sus servicios y arruinada situacion espera merecer de la bondad de V'd.

Fernandina, 12 de Sitiembre, de 1815.

LUIS MATTAIR.

St. Augustin, y Sept. 26 de 1815.

Pase al comandante military y politico de la Isla Amalia para que informe lo que se le fuezca acerca de esta solicitud y f'ho devualvara el expediente con las certificaciones que el representante obtuve del terreno que pretende trasasar para en visto de todo providenciar lo conbeniente.

ESTRADA.

Señor Gubernador: En cumplimiento del decreto que antecede cité al suplicante, y despues de enterado, ha contextado que no es su animo el de hacer deretion del terreno que tiene en la tierra firme, contandolo como propiedad suya, pero como las circunstancias de la poca seguridad que hay de cultivarlas, hasta que se mejore de habitantes en aquella parte; que espera de la bondad de V'd. la gracia que solicita del nuevo terreno que pretende en esta Isla, y esta vacante y para mayor seguridad el agrimensor D. Jorge Clarke, expenda lo que encontrase acreedor

[illegible] este particular a fin de que en vista de lo expuesto en dicho [illegible] conceden o nó lo solicitado por el [illegible] de ello [illegible] [illegible] informado.

Fernandina, 21 de Octubre de 1815.

BENITO DE PANDO.

Señor Comandante: El terreno que solicita este interesado [illegible] tanto de este pueblo como tres millas, por el Sur; es como dice, de calidad inferior y resalenga. Fernandina, ut supra.

JORGE J. F. CLARKE.

San. Agustin, 22 de Octubre, de 1815.

Visto los anteriores informes concedese al interesado los tres cientos acres de tierra en el parage que solicita sin prejuicio de tercero y para cuyo logro despachesele por la secretaria la correspondiente certificacion que le sirvira de resguardo.

Es dio Copia.

ESTRADA.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office at the city of St. Augustine, [L. S.] Territory of Florida, this tenth day of August, A. D. one thousand eight hundred and thirty-five.

ANTONIO ALVAREZ, K. P. A.

Translation by Sanchez.

Senor Governor: Luis Mattair, a native inhabitant of this province with the respect due to your excellency, appears and says: That in consequence of the revolution of this province in the commencement of 1812, he was compelled to retire with his large family from the lands on the main, where he was settled upon his plantations in the enjoyment of a good and sufficient living, which he abandoned to the hostile incursions of the insurgents, in order to preserve his loyalty to the government upon this Island, as he has always done, as will appear from the certificates of the commandant Don Francisco Rivera, and the captain of the district, Don Felipe Roberto Yonge, which certificates are deposited in the office of the secretary of the government, and that the revolution having subsided, he returned to his said habitation and continued his improvements again, having found them and his stock and other property destroyed, which in his precipitate flight to this Island he was obliged to leave there; and having in some measure recovered from his losses, the new revolution of the latter part of 1812 broke upon him, which again compelled him to return to this post, abandoning his all to utter ruin, and he is prevented from returning to his said habitation for want of means, as from the insecurity that yet exists upon the main land on this frontier.

He supplicates your excellency will be pleased to grant him a piece of vacant land that there is upon this Isle, and between the lands of Don

Residing Fernandina and Don Santiago Cashen, containing three hundred acres, which he has now cleared, subject to inundations, with the exception of from thirty to forty acres, which is suitable for cultivation, the balance can only be useful for pasturage for his stock. Favor which, from a knowledge of his services and ruined situation, he hopes to obtain from the goodness of your excellency.

Fernandina, 18th of September, 1815.

Referred to the civil and military commandant of Amelia Island, that he may report what he may deem proper respecting the petition, and having done so, let it be returned with the certificate which the petitioner obtained for the land which he wishes to transfer, that on sight of all I may decree what may be convenient. ESTRADA.

Senor Governador: In compliance with the preceding decree, I summoned the petitioner, who being informed thereof, replied that it is not his intention to make a relinquishment of the land which he has upon the main, considering it to be his property, but as the circumstance of its being insecure to cultivate them until that part be more settled by inhabitants, he hopes from the goodness of your excellency to obtain the new lands which he solicits upon this Island, and which is vacant; and for the greater security the surveyor, Don Jorge Clarke, will report what he knows touching this particular, in order that on sight of what is reported, your excellency may be pleased to make said grant to this inhabitant, who is very worthy of it, as I am informed.

Fernandina, 21st of October, 1815.

BENITO DE PANGUA.

Senor Commandant:

The land solicited by this petitioner is, as he states, of an inferior quality and vacant, and is at the distance of three miles south of this town.

Fernandina, ut supra.

JORGE J. F. CLARKE.

St. Augustine, 24th of October, 1815.

Having seen the preceding reports, the three hundred acres of land, at the place solicited, are granted to the petitioner; and for the obtainment of which let there be issued to him the corresponding certificate by the secretary, which will serve as security.

"A copy was issued." ESTRADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and tran. sup. court, E. D. F.

Survey and plat to Lewis Mattair of 300 acres at Boxer's branch, on the south side of the St. John's river.

In Spanish.

Don Jorge Clarke, teniente de milicias de San Agustin, de la Flori-

(For plat, see original.)

I, Antonio Alvarez, keeper of the public archives of E. Florida, do hereby certify, the foregoing to be a true and correct copy of the original now on file in my office, to which it was transferred according to law by the register and receiver of the land office, while acting as land commissioners, as part of the papers relative to private land claims in East Florida aforesaid.

Witness my hand and seal of office, at the city of St. Augustine, Territory of Florida, this tenth day of August, A. D. one thousand [L. s.] eight hundred and thirty-five.

ANTONIO ALVAREZ, *K. P. A.*

Translation by Sanchez.

Don Jorge Clarke, lieutenant of militia of St. Augustine, Florida, captain of the district of St. Mary's, and surveyor general, by appointment from the government of the said city and its province.

I certify, that I have measured and delineated, to Don Lewis Mattain, three hundred acres of land on the south side of the river St. John's, at a place called Box Branch, in lieu of a like quantity which was granted to him on Amelia Island, on the twenty-fourth of October, one thousand eight hundred and fifteen, and which resulted to be of the property of Don Juan Barchelot; which land will be found, in its circumstances, to agree with the following plat, and its copy, kept in the book of surveys under my charge.

St. Augustine, thirtieth August, one thousand eight hundred and seventeen.

JORGE J. F. CLARKE.

(For plat, see original.)

I hereby certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and tran. sup. court, E. D. F.

No. 10.

Grant to Randolph McDonnel, of 200 acres of land at Picolata. Surveys and plats offered in evidence on behalf of claimants and rejected, subject to the objections of the counsel for the United States.

Grant in Spanish.

Señor Governador:

Randolph Macdonnel, C. A. R., y vecino de esta provincia con el mas debido respeto a V. S. expone que hace mas de seis años que reside en este pais, y como tres que esta establecido en Casacola, segun lo acredita el adjunto memorial que adjunto presento en debida forma y haviend llegad a su noticia que Lorenzo Capó, clama el terreno de que se hace mencion en esta instancia por suyo. A V. S. rendidamente suplica se sirva concederle dos cientos acres, en las viejas havitaciones de Picolata, para cuyo cultivo y poblacion tiene supersona, dos negros, veinte cavezas de ganado vacuno, ocho caballos, diez serdos y dos acados, y es gracia que espera merecer de acredita justicia de V. S.

Sn. Agustin, de la Florida, y Noviembre 15, de 1790.

RANDOLPH MACDONNEL.

SAN AGUSTIN, 20 *de Octubre, de* 1791.

Esta parte permanesca donde de se halla establecido y tengarde presente para destinarle en la medicion los acres correspondientes a su familia sin prejuicio de tercero viniend a este expediente los antecedentes.

QUESADA.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, Territory of Florida, this tenth day of August, A. D. one thousand eight hundred and thirty-five.

[L. S.]

ANTONIO ALVAREZ, *K. P. A.*

Translation by Sanchez.

To his excellency the Governor:

Randolph Macdonnel, a Roman catholic and settler of this province, with the greatest respect to your excellency, says, that *there* more than six years that he resides in this country, and about three since he has been settled at Casacola, as will appear from the annexed memorial which he herewith presents in due form; and having learned that Lorenzo Capo claims the land aforesaid in this petition as his, he supplicates your excellency to be pleased to grant to him two hundred acres at the old settlements at Picolata; for the cultivation and settlement of which he has himself, two negroes, twenty head of neat cattle, eight head of horses, ten hogs,

[illegible] favorable; and it is a favor which he hopes to obtain from the [illegible] justice of your excellency.

St. Augustine, Florida, ninth of November, 1790.

RANDOLPH MACDONNEL.

ST. AUGUSTINE, 20th *of October*, 1791.

This party will remain where he is now settled; and let him be remembered to distribute to him in the surveys the acres corresponding to his family, without injury to third persons, annexing to this the former proceedings.

QUESADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup. court, E. D. F.

Plat and certificate of survey.

Don Pedro Marrot, capit'n del regim'to infant'a de Cuba, y juez comisionado por el s'or gov'or y comandante g'ral de esta prov'a oriental de Florida, por la medicion de tierras mandadas repartar de or'n de S. M. &c.

Certifico, que en el parage titulado plantage Berde, se han medido y entregado quatro cavallerias y diez y siete acres de tierra, (a cuenta de la que le corresponde,) al havitante Randolf Macdonnell, cuya familia consta haver del juramento qui ha prestado de su persona y dos negros esclavos. La primera linea corre sur veinte grados este; comenza por un Laurel marcad con una cruza la orilla del Caño de Julington y se termina con una estava con la misma señal consta su medida de treinta cadenas. La segunda corre norte setenta grados este principia por la mencionada estava, y se finaliza con otra marcada con la misma señal de estas es la orilla del Caño de la Savina, el qual divide estas tierras de las de su hermano Alexandro contiene su medida cincuenta y cinco cadenas. Su frente corre parte a la orilla del referido caño de Julinton, y parte a la del estedho de la savina. Todo arreglad a las orus cong'e me halla. Lo firmo el interesad juntam'te con migo y el agrimensor Don Jonas Dupon. Y para que conste y pueda servir de intelig'a a la secretaria de este gov'no a la que devera acudir el interesado por su respectivo titulo doy la presente a plantage Berde Caño de Julington, Rio de S'n Juan, y Febrero 22d, de 1793.

PEDRO MARROT.

(For plat, see original.)

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, Territory of Florida, this tenth day of August, A. D. one thousand [L. S.] eight hundred and thirty-five.

ANTONIO ALVAREZ, *K. P. A.*

Translation by Sanchez.

Don Pedro Marrot, captain of the regiment of infantry of Cuba, and commissioner appointed by his excellency the governor, and commander-in-chief of this province of East Florida, for the surveying of lands ordered to be distributed by his majesty, &c.

I certify that, at the place called Greenfield, there have been measured and delivered four caballerias and seventeen acres of land (in part of what correspond) to the inhabitant, Randolf Macdonell, whose family consist, under oath which he has made, of himself and two negro slaves. The first line runs south twenty degrees east; commences at a laurel marked with a cross, on the margin of Julington creek, and ends at a stake with the same mark, containing, in measurement, thirty chains: the second line runs north seventy degrees east, commencing at the said stake, and ends at another marked with a like mark of a cross, on the margin of Cedar creek, which divides these lands from those of his brother Alexander; its measurement consists of fifty-five chains; its front runs part on Julington creek aforesaid, and part on the margin of that of Cedar creek aforesaid; all in accordance with the orders in my possession. It was signed by the interested, jointly with myself and the surveyor, Don Josiah Dupont. And that it may appear and serve as a notice to the office of the secretary of this government, to which the party interested must apply for his respective title, I give the present, at Greenfield, Julington creek, St. John's river, twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-three.

PEDRO MARROT.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

Certificate and plat of survey of 50 acres, to Randolph Macdonnell.

In Spanish.

Don Pedro Marrot, cap'n del 3er batt'on del reg'to infant'a de Cuba

[For plat, see original.]

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, [L. S.] Territory of Florida, this tenth day of August, A. D. one thousand eight hundred and thirty-five.

ANTONIO ALVAREZ, *K. P. A.*

Translation by Sanchez.

Don Pedro Marrot, capt'n of the 3d battallion of the regiment of infantry of Cuba, and commissioner appointed by his excellency the governor and commander-in-chief of the province of East Florida.

I certify, that at the plantation called Alameda de Randolph, there has been measured and delivered one caballeria and seventeen acres of land (which is the complement of what corresponds to him) to the inhabitant Randolph Macdonnel. The first line runs north forty-five degrees west, commences at a pine marked with a cross, and terminates at another with the same mark; its measurement is of 30 chains. The second runs south forty-five degrees west, commences at the aforementioned pine, and ends at another with the same mark; its measurement

[illegible] five degrees east, commencing at said place, and terminates at another marked with the like mark of a cross; containing in measure [illegible] chains. All in accordance with the orders in my possession. It was signed by the interested, together with myself and the surveyor, Don Joseph Dupont. And that it may appear and serve as notice to the office of the secretary of the government, to which the interested must apply by his respective title, I give the present at the Alameda of Randolph's, Julington creek, St. John's river, 22d February, 1793.

PEDRO MARROT.

[For plat, see original.]

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and In. sup. court, E. D. F.

No. 11.

Survey and plat to Richard Lang et al., at Pigeon creek, St. Mary's, of 150 acres of land, offered in evidence on behalf of claimants, and received, subject to the objections of the counsel for the United States.

In Spanish.

Don Pedro Marrot, capitan del 3er batallion del reg'to infanta de Cuba, y juez comisionado por el señor governador y com'te g'ral de esta prov'a oriental de F'lor'a para la medicion de tierras mandadas repartir de or'n de S. M.

Certifico que en el parage llamado Santo Thomas, se han medido y entregado quatro cavallerios y diez y siete acres de tierra al havitante Dn. Ricardo Lang, p'a construir una sierra de agua en d'ho parage en comp'a de su hijo Isaac Lang y Juan Bailey. La primera linea corre sur treinta y cinco grados este, comienza por un pino marcad con una cruz, y se termina con otro con la misma señal consta su medida de treinta y nueve cadenas. La segunda corre norte cincuenta y cinco grados este, comienza p'r d'ho pino, y se termina con otro con la misma señal consta su medida de treinta y nueve cadenas. La tercera corre norte treinta y cinco grados weste, principia por d'ho pino, y se concluye con otro con la misma señal consta su medida de treinta y nueve cadenas. La quarta corre sur cincuenta y cinco grados weste, principia por el mencionado pino, y se concluye con otro con la misma señal contiene su medida tre-

[illegible] Estan tierras estan situadas en el Cañio de la Paloma inmediato al Rio de Santa Maria. Todo [illegible] que me hallo. La firmaron los interesados con el agrimensor Dn. Samuel Eastlake y para q'e conste, y pueda servir de intelig'a a lo secretaria de este gobierno a la q'e deveran acudir los interesados por sus respectivos titulos doy la presente copia de la orig'l que queda en mi poder. Santa Thomas, Rio de Santa Maria, lo de Abril, de 1792.

PEDRO MARROT.

[For plat, see original.]

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, [L. S.] Territory of Florida, this tenth day of August, A. D. one thousand eight hundred and thirty-five.

ANTONIO ALVAREZ, *K. P. A.*

Translation by Sanchez.

Don Pedro Marrot, capt. of the 3d battalion of the regiment of infantry of Cuba, and commissioner appointed by his excellency the governor and commander-in-chief of this province of East Florida, for the surveying of lands ordered to be distributed by his majesty.

I certify, that at the place called St. Thomas, there have been measured and *and* delivered four caballerias and seventeen acres of land to the inhabitant Don Ricardo Lang, to build a water saw-mill at said place, in company with his son, Isaac Lang, and John Bailey. The first line runs south thirty-five degrees east, commencing at a pine marked with a cross, and ending at another with the same mark, containing, in measurement, thirty-nine chains. The second runs north fifty-five degrees east, commencing at said pine, and ends at another with the same mark, measuring thirty-nine chains. The third runs north thirty-five degrees west, commencing at said pine, and concludes at another with the same mark, containing, in measurement, thirty-nine chains. The fourth runs south fifty-five degrees west, commencing at the aforesaid pine, and ends at another with the same mark, its measurement containing thirty-nine chains. These lands are situated upon Pigeon creek, near the St. Mary's river. All in accordance with the orders in my possession. It was signed by the parties interested, with the surveyor, Don Samuel Eastlake. And that it may appear and serve as a notice to office of the secretary of this government, to which the interested must apply for their respective title, I give the present copy of the original, which remains in my possession. St. Thomas, St. Mary's river, 10th of April, 1792.

PEDRO MARROT.

I certify the foregoing to be a true and correct translation of the [illegible] document annexed.

JOS. S. SANCHEZ,
Interpreter.

No. 12.

Memorial of Francisco D. Theran, and survey offered in evidence on behalf of the claimants, and received, subject to the objections of the Attorney for the United States.

In Spanish.

Señor Governor y Comandante G'ral:

Francisco Diaz Theran, de nacion Española casad con una Inglesa Católica y habitante en la rivera de San. Juan, con la mas humilde veneracion dice á V. S. q'e para su mayor adelanto y el de la provincia, necesita siempre que no haya incomveniente cien acres de tierra en la isla de Talbot sobre la punta del sur p'a labrar y fabricar lo necesario p'a su familia, y criados y ciento y cincuenta sobre la tierra firme q'e se halla en la punta de Simbre p'a el uso de cortar maderas por tanto.

A. V. S. rendidamente suplica se serva concederle el correspondiente permiso p'a efectuar lo q'e solicita siempre y lo halla á bien cuya gracia espera merecer de la venquidad de V. S.

Pensacola, 23 de Dec'r, de 1790.

FRAN'CO DIAZ THERAN.

Pensacola, 20 de Octubre, de 1791. Esta parte permanecera donde ha establecido y si el tiempo de la medicion se le haya de la tierra correspondiente á su familia, y en caso de acomodarse alguno en la parte porque parece que no se a en ella, y se le concederá todo sin perjuicio

QUESADA.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

In testimony whereof, I have hereunto set my hand and seal of office, at the city of St. Augustine, Territory of Florida, this tenth day of August, A. D. one thousand eight hundred and thirty five.

ANTONIO ALVAREZ, K. P. A.

Translation by Sanchez.

His Excellency the Governor and Commander-in-chief:

Francisco Diaz Theran, a Spaniard, married to an English Catholic

woman, and inhabitant of the river St. John's, with the most respectful veneration, says to your excellency, that for his own benefit and improvement of the province, he needs, if it be not inconvenient, one hundred acres of land, upon the south end of Talbot's island, for cultivation and to build the necessary dwellings for his family and servants, and one hundred and fifty upon the main land, situated on Simbre point, for the purpose of cutting timber; therefore, he humbly supplicates your excellency will be pleased to grant him the corresponding permission to effect what he solicits, if you think proper, which favor he hopes to receive from the goodness of your excellency.

Florida, 23d of December, 1790.

FRANCISCO DIAZ TERAN.

St. Augustine, 20th of October, 1791. This petty will remain where she is settled, and at the time of the measurement there will be measured the corresponding quantity of land to his family, and if it should be his pleasure to change his planting, let him look for a place that is not upon an island, and it will all be granted to him, without injury to third persons.

QUESADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. sup. court, E. D. F.

Plat and certificate of survey of 67 acres of land to Francisco D. Teran.

In Spanish.

Don Pedro Marrot, capitan de 3er batt'on del regto infant'a de Cuba, y juez comisionado por el señor gov'or y com'te g'ral de esta provincia oriental de Florida, p'a la medicion de tierras, pertenecientes á los de'n de S. M.

Certifico, q'e en la plantacion titulada St. Fran'co, se han medido y entregado dos cavallerias y un acre de tierra (que es parte de lo que le corresponde) al havitante Fran'co Diaz Teran cuya familia consta del tenor del jurame'to que ha prestado, de tres personas marido, muger, y un niño. La primera linea corre sur ochenta y dos grados este, comienza por una lucina mesquda con una cruz á la orilla de un sacatal del camo de Barra Chica, y se termino con otra con la misma señal de cruz á la orilla de un sacatal inmediato á la playa de la mar. Confinando con las tierras de Spicer Christopher su medida es de veinte y quatro cadenas, la segunda corre formando figura irregular, parte a la orilla de un sacatal del camo de Barra Chica y parte a la orilla del mencionado sacatal inmediato á la playa de la mar. To. arreglad a las ord'nes con q'e me hallo. Lo firmo el interesad con el agrimensor D'n Samuel Eastlake. Y para que conste y pueda servir de intelig'a á la secretaria de este gov'no a la que deveran acudir los interesados por sus respectivos titulos doy la presente copia de la orig'l que queda en mi poder. San Fran'co, Isla de Tanyot, a 11 de Febrero, de 1792. Notte. Que este havitante tiene en sus tierras un camino que va desde Barra Chica hasta Barra Chica, y que advertido deve dar libre paso a todos.

PEDRO MARROT.

[For plat, see original.]

Translation.

Don Pedro Marrot, captain of the 2d battalion of the regiment of Cantabria, commissioner appointed by his excellency, the governor and commander-in-chief of this province of East Florida, for the surveying of lands, to be distributed by order of his majesty.

In the name of the king, I give to the plantation called St. Francisco, there have been surveyed and delivered two caballerias and one acre of land, (which is a part of that corresponding to him,) to the inhabitant, Francisco Diaz, whose family, under the oath which he has made, consist of three persons, husband, wife, and one son. The first line runs south eighty-two degrees east, commencing at an oak marked with a cross on the edge of a marsh of Little Bar creek, and ends at another with the same mark of a cross, on the edge of a marsh, near the beach bounding on the land of Spicer Christopher, measuring twenty-four chains; its front runs, forming an irregular figure, partly on the edge of a marsh of Little Bar creek, and partly on the edge of said marsh, near the sea beach; all in accordance with the orders which I have in my possession. It was signed by the interested, with the surveyor, Don Samuel Eustake. And that it may appear and serve as notice to the office of secretary of this government, to which the interested must apply for their respective titles; I give the present copy of the original, which remains in my possession.

St. Francisco, Talbot Island, 11th of February, 1792.

Note.—That this inhabitant has upon his lands a road, which runs [illegible] Creek, (blind bar,) and he has been notified that he is to allow free pass to all persons.

PEDRO MARROT.

ANTONIO ALVAREZ, K. P. A.

[For plat, see original.]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] signed by the [illegible]

[illegible] Tampa. The first line runs [illegible]

[illegible] Palatka, [illegible]

[illegible] Palatka, [illegible]

[illegible] Palatka,

Soliat David suplica por dosientos acres de tierra sobre los [illegible] vive componiendose su familia de su persona, muger, y un hijo, &c.

Ephrum Davis suplica por cien acres de tierra en la savana pertenecen contigua á un brazo del Rio Nassau teniend solo su persona.

Federico Hartley suplica por trecientos acres de tierra donde ahora vive que es en la Savana de Spelle sobre un brazo de la rivera de Nassau componiendose su familia de su persona, muger, y quatro hijos.

Jose Sumeral suplica por docientos acres de tierra, donde ahora vive, sobre un brazo del Rio de Nassau, componiendose su familia de su persona, muger, dos hijos, y varias herramientas para labrar la tierra.

Juan Sucoer suplica por docientos y cincuenta acres de tierra donde ahora reside sobre un brazo de la rivera de Nassau, componiendose su familia de su persona, muger, y dos hijos.

Mills Drury suplica por trecientos acres de tierra en donde ahora vive sobre un brazo del Rio de Nassau en la savana de mills, componiendose su familia de su persona, muger, y tres hijos.

[illegible] suplica por trecientos y un cuarto acres de tierra donde ahora vive sobre la Savana [illegible] componiendose su familia de su persona, muger, y [illegible] hijos.

Andres Ocille suplica por ciento y cincuenta acres de tierra sobre un brazo de la rivera de Nassau en las savanas de mills componiendose su familia de su persona y muger.

[illegible] suplica por trecientos acres de tierra [illegible] sobre un brazo del Rio de Nassau componiendose su familia de su persona, muger, dos hijos y dos negros.

[illegible] suplica por docientos acres de tierra donde ahora vive componiendose su familia de su persona, dos hijos, y dos negros.

[illegible]

[illegible] Florida, y Febrero 26, de 1792.

La de arriba es copia de la lista de los Pobladores que se mencionan en esta instancia, y sobre la qual se hallán sus firmas ó señales, la qual original existe en mi poder y es la que me refiere haciendo hecho del y legal traduccion de ella, segun aviso del comisionado por este gobierno para aquellos destritos de Sta. Maria, y Nassau, D'n Ricardo Laing, y para que ellos les diesé que haya lugar lo firme por los interesados.

Pra. ut supra.

MIGUEL YZNARDY,
Intte. Publico.

San Augustin de la Florida,
1o de Marzo, de 1791.

Estas partes pertenecen con por ahora en los parages donde se hallán [illegible] que provista la plaza de agrimensor que aun no hay [illegible] correspondientes a el numero de aceas que corresponde á cada familia con arreglo ó equidad, y se les expidan los títulos [illegible] de propiedad.

QUESADA.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

In witness my hand and seal of office, at the city of St. Augustine, Territory of Florida, this eleventh day of August, A. D. one thousand eight hundred and thirty-five.

ANTONIO ALVAREZ, K. P. A.

Translation by Sanchez.

To his excellency the governor: Don Richard Laing, a settler of this province [illegible] judge to maintain peace and good order upon the [illegible]

[illegible] Nassau river, [illegible]

[illegible] the first section of the land of [illegible]

[illegible] John Houston prays for two hundred acres of land [illegible]

[illegible] Morgan Cuyer prays for two hundred acres of land on [illegible]

William Bogan prays for two hundred acres of land upon a branch of Nassau river, on Mills' savanna, and where he now lives, his family consisting of himself, wife, one child, three negroes, some neat cattle, and [illegible]

[illegible] William Davis prays for one hundred acres of land, (on which he now lives,) to his family, which consists of himself, wife, one child, and [illegible]

Nehit David prays for two hundred acres of land on Mills' savanna, where he actually lives, his family consisting of himself, wife, and one child.

William Davis prays for one hundred acres of land on the adjoining boggy savanna, to a branch of Nassau river, having only himself.

Frederick Hartley prays for three hundred acres of land where he now lives, which is on Spell's savanna, upon an arm of Nassau river, his family consisting of himself, wife, and four children.

Joseph Sumerall prays for two hundred acres of land where he now lives, on a branch of Nassau river, his family consisting of himself, wife, three children, and various [illegible] utensils.

John Silcock prays for two hundred and fifty acres of land where he now resides, upon a branch of Nassau river, his family consisting of himself, wife, and two children.

[illegible] Drury prays for three hundred acres of land where he now lives, on a branch of the Nassau river, on Mills' savanna, his family consisting of himself, wife, and three children.

[illegible] Griffin prays for three hundred and fifty acres of land where he actually resides, on boggy savanna, on a branch of Nassau river, his family consisting [of] himself, wife, and four children.

Ambrose Cobb prays for one hundred and fifty acres on a branch of Nassau river, on Mills' savanna, his family consisting of himself and wife.

[illegible] prays for three hundred acres of land where he is actually settled, on a branch of Nassau river, his family consisting of himself, wife, two children, and two negroes.

legal translation of it, according to the information given by the ministers of this government, (for those districts of St. Mary's and Nassau,) Don Ricardo Lang; and that it may serve the purposes which may be convenient, I sign it for the interested.

MIGUEL YZNARDY,
Public Interpreter.

ST. AUGUSTINE, FLORIDA,
1*st of March*, 1791.

These parties will remain for the present at the places where they are settled, until the office of surveyor be filled, there being none yet. When the corresponding surveys will be made of the quantity each family may be entitled to according to equity, and there be allotted to them the correspondent tracts of property.

I certify the foregoing to be a true and correct translation of the Spanish document hereto annexed.

JOS. S. SANCHEZ,
Interp. Supr. Court, E. D. F.

Don Pedro Marot, capitan del Ser vicio del reg to infant.a de Cuba,

[For map see original.]

I, Antonio Alvarez, keeper of the publin archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office at the city of St. Augustine, Territory of Florida, this eleventh day of August, A. D. 1823.

[L. s.] ANTONIO ALVAREZ, K. P. A.

Translation by Sanchez.

All [illegible] with the orders which I have in my possession; it was signed by the surveyor Don Samuel Eastlake, and the interested, not knowing how to write, made a cross. And that it may appear and serve as notice to the office of the secretary of this government, to which the interested must apply for their respective titles, *I give the respective titles.* I give the present copy of the original, which remains in my possession. Panadero, St. Mary's river, 1st of April, 1792.

PEDRO MARROT.

[For map see original.]

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Ex. and trans. sup. court, E. D. F.

Plat and certificate of survey of 133 acres to Cespelius Zeiss, on Nassau river.

In Spanish.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, territory of Florida, this eleventh day of August, A. D. one thousand eight hundred and thirty-five.

ANTONIO ALVAREZ.

Don Pedro Marrot, captain of the 3d battalion of the regiment of Cuba, and commissioner, appointed by his excellency and commander-in-chief of this province of East Florida, for the surveying of lands directed to be granted by order of his majesty.

I certify, that at the plantation called Big creek, there have been measured and delivered four caballerias of land, (which is the complement of one hundred and forty-three acres) to [illegible] consisting of thirty-nine chains. The second runs north eighty degrees west; commencing at said oak, and ending at a pine with

[For map see original.]

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ.

No. 14.

Offered in evidence on the part of the claimants, and received, subject to the objections of the counsel for the United States.

Grant of two hundred acres of land to Edward Turner.

In Spanish.

S'or Gov'r y Com'te Gral:

Edward Turner vecino de esta prov'a con el respeto que deve ante V. S. parece y dice que hace algun tiempo q'e se establecio sobre el rio chico de Sta. Maria animado en animo el permanecer en el sitio q'e actualmente ocupa

A V. S. suplica se sirva concederle en dicho parage dos cientos acres de tierra para el fin de hacer sus siembras q'e quedan a la mira[illegible]

[illegible] de Enero de 1792.

EDWARD TURNER.

Vincia y se le concedera.

QUESADA.

ANTONIO REVERTE, R. P. F.

Translation by Sanchez.

His excellency the governor and commander-in-chief:

Edward Turner, a settler of this province, with the respect due to your excellency, appears and says, that [it] is some time since he settled upon Little St. Mary's river, and it being his intention to remain on the place which he actually occupies—

He supplicates your excellency will be pleased to grant to him at said place two hundred acres of land for the purpose of planting and keeping a look out to select some other place, which, without prejudice, may contain the quantity which, in addition, correspond to the number of his family, which consists of himself, wife, five children, and five negroes; this favor he hopes to receive in justice. Florida, 27th January, 1792. At the request of the petitioner, it is signed by

RICHARD LANG.

St. Augustine, 30th of January, 1792. As this party is of those subjects lately admitted, let it be known to him, that he must look for the land on the south side of St. John's river, or at the place which may suit him in any other part of the province, and it will be granted to him.

QUESADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

Translation of survey to Turner.

Don Pedro Marrot, captain of the 3d battalion of the regiment of infantry of Cuba, and commissioner appointed by his excellency [illegible] governor of this province of East Florida, for the survey of lands directed to be distributed by order of his majesty.

I certify, that in the plantation called Turner, there have been shown me, and delivered from certificate of [illegible] which correspond to him, to the inhabitant, Edward Turner, whose family consist, under the oath he has made, of twelve persons, as follows: husband, wife, five children, and five negro slaves. The first line runs north, commencing at a pine marked with a cross, and ends at another with the same mark; its measurement consisting of seventy-one chains. The second runs east, commencing at this pine, and ends at another the same mark; its measurement consisting of seventy-one chains.

third runs south, commences at said pine, and ends at another with the same mark, its measurement consisting of seventy-one chains. The fourth runs west, commences at said pine, and terminates with another with the same mark; all in accordance with the orders which I have in my possession. It was signed by the interested, with the surveyor, Don Samuel Eastlake. And that it may appear and serve as notice to the office of the secretary of the government, to which the interested must apply for their respective titles, I give the present copy of the original, which remains in my possession.

Turner creek of Little St. Mary's, 9th of April, 1792.

PEDRO MARROT.

[For plat, see original.]

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Ex. and Trans. Sup. court, E. D. F.

Translation of Id survey to Turner.

Don Pedro Marrot, capt'n of the 3d battalion of the regiment of infantry of Cuba, and commissioner, appointed by his excellency the governor and commander in chief of this province of East Florida, for surveying of lands directed to be distributed by order of his majesty.

I certify, that at the plantation called Sarah, there have been measured and delivered four caballerias and seventeen acres of land, to Richard Turner, (which is the complement of what corresponded to him.) The first line runs south twenty degrees west, commencing at a stake marked with a cross, at the edge of St. Mary's river, and terminates at a pine with the same mark, its measurement containing thirty-nine chains. The second runs south seventy degrees east, commencing at said pine, and terminates with another with the same mark, containing in measure [illegible] thirty-nine chains. The third line runs north twenty degrees west, commences at said pine, and ends at a stake marked with the same mark of a cross, at the edge of the St. Mary's river, its measure containing thirty-nine chains, its lines [illegible] along the edge of said river; all in accordance with the orders which I have in my possession. It was signed by the interested, with the surveyor, Don Samuel Eastlake. And that it may appear and serve as a notice to the office of the government, to which the interested must apply for their respective titles, I give the present copy of the original which remains in my possession.

St. Mary's river, 9th of April, 1792.

PEDRO MARROT.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. Sup. court, E. D. F.

No. 15.

Translation of a grant and survey to Selvy Taylor, offered in evidence on the part of the claimants, objected to on the part of the United States, and received subject to the objections:

HIS EXCELLENCY THE GOVERNOR:

Selvy Taylor, a settler and planter on the river St. John's, with due respect to your excellency, says, that he is desirous of cultivating a piece of land, which he believes is vacant, on the last of the three vacant points on the south bank of St. Pablo creek, in this province, if your excellency should be pleased to grant him two hundred acres, at the said place; for which purpose he supplicates your excellency will be pleased to issue to him your superior concession, there being at the said place the facility of the petitioner obtaining the necessary timber for his settlement, of which he has been deficient for fifteen years since he was admitted a vassal of his majesty, he having been always employed by the wealthy planters of the province. Favor which he hopes for from the goodness of your excellency.

St. Augustine, 4th of April, 1817.

At the request of the petitioner, who does not know to write, I do it.

JOSE M'A. UGARTE.

St. Augustine, 14th April, 1817.

Granted to the petitioner the two hundred acres of land which he solicits therein, without injury to third persons, and for that purpose let there be issued to him the corresponding certificate.

COPPINGER.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. Sup. court, E. D. F.

Don Geo. Clarke, captain of the regiment dismissed from Florida, and surveyor general of the province, by appointment from the government.

I certify, that I have measured and delivered to Don Selby Taylor two hundred acres of land, at the south, and between the waters of the heads of Pablo and Potsburg creeks, which were granted to him on the 14th of April, 1817, and agree with the following plat and its copy, which I keep.

St. Augustine, 7th of June, 1821. JORGE J. F. CLARKE.

[For plat, see original.]

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and Int. of Sup'r court. E. D. F.

No. 16.

Offered in evidence on behalf of the claimants, objected to by the counsel for the United States, and received, subject to objection.

Grant to F. Bethune and three surveys.—Translation.—Memorial.

To HIS EXCELLENCY THE GOVERNOR:

Don Farquar Bethune, merchant of this town, with the respect due to your excellency, appears and says, that wishing to invest his means in the construction of a water saw-mill, and finding a suitable place for this purpose on the river St. John's, and place called Peteburg creek, therefore he supplicates your excellency the favor of granting to him your superior permission, that he may construct the said machine, and the corresponding right, for the continual supply of the timber he may require. It is a favor which he asks of the good administration of your excellency.

Fernandina, Amelia Island, fifteenth of March, one thousand eight hundred and seventeen.

FARQUAR BETHUNE.

Decree.

St. Augustine, twenty-second of April, one thousand eight hundred and seventeen.

Granted, without injury to third persons, the permission which is solicited, for the erection of a water saw-mill, on the river St. John's, and place called Potsburgh creek, under the express condition that he is to set up said machine within the term which I grant him, which will be of two miles and a half on each wind, forming a square of five miles, and that he may enjoy the timber, with absolute prohibition to all other persons whatever of making use of the same, and which is to be understood in no other view, than that of protecting the inhabitants, who are

settlers, from the known advantages which will result from the settlement of the province; and for his security, there will be issued to him a certified copy of this proceeding, which will serve him as a title in form, which will be registered in the secretary's office as proof.

COPPINGER.

Don Tomas de Aguilar, lieut. of the army, and secretary of this government, by his majesty. I certify, that the preceding copy is faithfully made, from the original which exists in the office of the secretary, under my charge; and in virtue of what is ordered, I give the present, in St. Augustine, Florida, twenty-second of April, one thousand eight hundred and seventeen.

TOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Tran. Sup. court, E. D. F.

Translation of Survey and Plat.

(1st.) Don Jorge Clarke.

I certify, that I have measured and delineated to Don Farquar Bethune, 1428 acres of land, at the place called Cabbage Swamp, on the St. Mary's river, in a part of a larger quantity, which was granted to him by the government, for the construction of a machine for sawing lumber, and which will be found to agree with the following plat, and its copy, which I keep, in the book of surveys, in my charge.

Fernandina, 3d of July, 1817.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup. court, E. D. F.

Translation, 2d survey to Bethune—Don Jorge Clarke, &c.

I certify that I have measured and delineated, to Don Farquar Bethune, five thousand acres of land, at the place called Turnbull's Swamp, between New Smyrna and the head of Indian river, in part of a larger quantity which was granted to him by the government for the construction of a machinery for sawing lumber, and which agrees with the following plat and its copy, which I preserve.

St. Augustine, 9th of February, 1820.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup. court, E. D. F.

Translation, 3d survey to Bethune—Don Jorge Clarke, &c.

I certify that I have measured and delineated, to Don Farquar Bethune, nine thousand five hundred and sixty two acres of land, upon the middle branch of Black creek, in full of sixteen thousand acres that were granted to him by the government for the building of a machinery for sawing lumber, and which agrees with the following platt and its copy, which I preserve.

Northern district, 19th of May, 1820.

(Signed,) JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and intr. sup. court, E. D. F.

No. 17.

Offered in evidence on the part of the claimants, objected to by the counsel for the United States, and received subject to objection.

Grant to Charles W. Clarke, and three surveys—Translation.

To his excellency:

Don Carlos W. Clarke, with due respect to your excellency, appears and says: That being desirous of building a machinery for sawing lumber on a creek of the river St. John's, called Black creek, in order to employ himself usefully in this most valuable product of this province; and he requires for it the superior permission of your excellency, and assurance of the quantity of land for the purpose of the supply of timber, as well as for the construction of the necessary works.

He supplicates your excellency the goodness to grant him this favor, assigning to him the measurement of five miles square of land, or its equivalent, for the necessary and continued supply of timber.

St. Mary's river, 24th of October, 1817.

CARLOS W. CLARKE.

ST. AUGUSTINE, *29th of October*, 1817.

Taking into consideration the benefit and utility which should redound

to the settlement of the province, if what Don Carlos Clarke proposes is effected, there is granted to him, without injury to third persons, that he may build a water saw-mill on the creek known by the name of Black creek, on the river St. John's, making use of the pines contained within the square of five miles that are granted to him, the advantages of which he will enjoy, without other persons defalcating any thing therefrom; and let there be issued to him, by the secretary, the corresponding certificate.

COPPINGER.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and intr. sup. court, E. D. F.

Translation, 1st survey to Clarke—Don Geo. Clarke, &c.

I certify that I have measured and delineated, to Don Carlos Clarke, four thousand acres of land, to the westward of Alachua pond, in part of a greater quantity which was granted to him by the government for the construction of a machine for sawing lumber; the figure of which is represented in the following platt and its copy, which I keep.

St. Augustine, 15th of February, 1820.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup'r court.

Translation of 2d survey for C. W. Clarke—Don Jorge Clarke, &c.

I certify that I have measured and delineated, to Don Carlos Clarke, four thousand acres of land, on the creek named Black creek, of the waters of St. John's, in part of 16,000 acres which were granted for the construction of a machine for sawing lumber, and agrees with the following platt and its copy, which I keep.

St. Mary's river, 1st of October, 1819.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and intr. sup. court, E. D. F.

Translation of 3d survey to C. W. Clarke—Don Jorge Clarke, &c.

I certify that I have measured and delineated, to Don Carlos Clarke, four thousand acres of land, to the westward of Indian river, in part of a larger quantity which was granted to him by the government for the construction of a machine for sawing lumber; which land will be found to agree with the following plat and its copy, which I keep.

St. Augustine, 24th of January, 1820.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and intr. sup. court, E. D. F.

No. 18.

Translation of three surveys to Charles Sibbald, offered in evidence on the part of the claimants, objected to by counsel for the United States, and received subject to the objection.

Translation 1st survey to Sibbald.

Don Jorge Clarke, lieutenant of militia of the city of St. Augustine, captain of the northern district of East Florida, and surveyor general of the province, by appointment from the government.

I certify that I have measured, to Don Carlos Sibbald, ten thousand acres of land, at the place called Trout creek, on the north side of the waters of the St. John's river, in part of the equivalent of five miles square, that was granted to him for the construction of a water saw-mill, and will be found to agree with the following plat and its copy, which I keep.

Northern district, 2d of May, 1819.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and intr. of sup. court, E. D. F.

Translation of 2d survey to Sibbald.

Don Jorge Clarke, lieutenant of militia of the city of St. Augustine, captain of the northern district, and surveyor general of the province, by appointment from his government.

I certify that I have measured and delineated, to Don Carlos Sibbald, four thousand acres of land in Turnbull swamp, between the town which was *of* New Smyrna and the head of Indian river, in part of a larger quantity which was granted to him for the construction of a water sawmill; which land agrees with plat*t* following and its copy, which I keep.

St. Augustine, 8th of February, 1820.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and tran. sup. court, E. D. F.

Translation of 3d survey to Sibbald.

Don Jorge Clarke, lieutenant of militia of the city of St. Augustine, captain of the northern district, and surveyor general of the province of East Florida, by commission from his government.

I certify that I have measured and delineated, to Don Carlos Sibbald, two thousand acres of land, at the place called Bowleg's Hammoc, situated to the southeast of Bowleg's savanna, in full of sixteen thousand acres which were granted to him for the construction of a water sawmill, which are those equivalent to five miles square; which land agrees with the following plat*t* and its copy, which I keep.

St. Augustine, 20th February, 1820.

JORGE J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and intr. sup. court, E. D. F.

No. 19.

Offered in evidence on behalf of the claimants, objected to by the counsel for the United States, and received subject to objection.

Grant and two surveys to Domingo Acosta—Translation of grant.

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor pro tem., and chief of the royal exchequer in this city of St. Augustine, Florida, and its province.

Whereas, in royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve of the presents and rewards proposed by my predecessor brigadier Don Sebastian Kindelan, to the officers and soldiers of the army, as well as to the militia of this province, who contributed to the defence of it in the time of rebellion; one of these favors being the distribution of lands in proportion to the number of family that each individual might have. That Don Domingo Acosta, making a statement of his services as a militia man, soliciting the quantity corresponding to him and his slaves, there were granted to him six hundred and ninety-five acres of land, viz: two hundred and fifty acres of land at the place called *Caca Swamp:* an equal number of acres at that known as Mount *Tucker;* and the remainder, one hundred and ninety-five acres, at the centre of the place they call *Mount Wanter*, and Mills creek, of *Roll's town;* which lands are situated upon the river St. John's of this province, adjoining to each other within the distance of two or three miles the one from the other, the said river being the front to all of them, and upon the other courses by vacant lands; all in accordance with the regulations established by this government for the distribution of lands, and to the number of slaves he has shewn his property to consist of, and to what has been ordered by my decree of this day, made to the petition presented by the said Domingo Acosta, which exists in the escribano's office. Wherefore I have thought proper to grant, [and] in the name of his majesty I do grant, to the said Domingo Acosta, the aforesaid six hundred and ninety-five acres of land, without injury to third persons, at the places already named, for himself, his heirs, and successors, in absolute property, as by these presents I do grant him the corresponding title, by which I seperate the royal exchequer from the right and dominion which to said lands it had; and I cede and transfer the same to the said Don Domingo Acosta, his heirs, and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it free of incumbrance, with all its inlets, outlets, uses, customs, and rights and services, which it had, has, and of right, and in law thereto appertain and may belong; and it being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and in law ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano of the government and royal exchequer, in this city of St. Augustine, Florida, the 27th March, 1817.

JOSE COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO,
Escribano of the gov't and royal exchequer.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and intr. of sup. court, E. D. F.

Translation, 1st survey to Acosta.

Don George Clarke, captain of the northern district of East Florida, and surveyor general of said province, by appointment from the government.

I certify that I have measured and delineated, to Don Domingo Acosta, two hundred and fifty acres of land, in the part to the east of Lake George, in part of a larger quantity which were conceded to him in absolute property on the 20th of March, 1816, and in lieu of the place asked for in his title by the name of Caca Swamp, which is claimed by another person, and which agrees with the following plat and its copy, which I keep.

Northern district, 10th of April of 1821.

JORGE J. F. CLARKE.

(For plat, see original.)

Translation 2d survey to Acosta.

Don George Clarke, captain of the northern district of East Florida, and surveyor general of this said province, by appointment from the government.

I certify that I have measured and delineated, for Don Domingo Acosta, one hundred and ninety-five acres of land, in the parts to the east of the river St. John's, at the first point above Mount Royal, in part of a larger quantity which were granted to him in absolute property on the 20th of March, of the year 1816, and in lieu of the places mentioned in his title by the name of Mount Venture, and Mill creek, of Rowle's town, which places are claimed by other persons; and they conform to the following plat and its copy, which I keep.

Northern district, 30th of May of 1820.

JORGE J. F. CLARKE.

(For plat, see original.)

No. 20.

Translations of four surveys to John Brevard.

Offered in evidence on the part of the claimants, objected to by the counsel for the United States, and received subject to objection.

Translation of 1st survey.

Don Jorge Clarke, captain of the northern district of East Florida, and surveyor general, by appointment from the government of said province.

I certify that I have measured and delivered, to Don John Brevard, two thousand acres of land on Cedar Swamp, on the west side of St. John's river, and at a place called by the name of Sugar Town, in part of a greater quantity that was granted to him as the quantity for a machine for sawing lumber, and agrees with the following plat and survey, which I keep among the surveys under my charge.

Northern district, 10th of October, 1819.

JORGE J. F. CLARKE.

(For plat, see original.)

Translation of 2d survey to Brevard.—Don Jorge Clarke, &c.

I certify that I have measured and delineated, to Don Juan Brevard, seven thousand acres of land, between the creeks called Cedar and Dunn's creek, on the north side of St. John's river, in part of a greater quantity which was granted to him for the construction of a machine for sawing lumber, on the 24th of August, 1815; and agrees with the following plat and its copy, which I keep in the book of surveys.

Fernandina, 27 of May, 1817.

JORGE J. F. CLARKE.

(For plat, see original.)

[illegible] quantity that is granted by the government for the construction and supply of a water sawmill, there not being land sufficient at the place set forth in the said concession, made the second day of December, one thousand eight hundred and sixteen, which land bounds on the east with other lands appertaining to the same person in said Twelve Mile swamp, and agrees with the following plat, and its copy, kept in the book of surveys in my charge.

St. Mary's River, 2d of April, 1818.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and Int'r Sup'r Court, E. D. F.

Translation of 2d plat of survey of equivalent two miles square to Z. Kingsley.

Don Jorge Clarke, lieut. of militia, of St. Augustine, Florida, and surveyor general, appointed by the government of the said city and province:

I certify, that I have measured and delineated to Don Zephaniah Kingsley, two miles square of land, between the creeks called Boggy creek and Clapboard creek, in part of a greater quantity which was granted to him by the government for the construction and supplying of a water sawmill, there not being land sufficient at the place set forth in said concession, dated second of December, 1816, which is vacant; which land agrees with the following plat, and its copy, in the book of surveys in my charge.

St. Mary's River, 27th of March, 1818.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and Int'r Sup'r Ct. E. D. F.

Offered in evidence on the part of the claimants, objected to by the counsel for the United States, and received subject to the objection.

Grant and survey to Don George Fleming.

Translation of grant.

Don Jose Coppinger, lieut. colonel of the royal armies, civil and military governor, &c., and chief of the royal exchequer of the city of St. Augustine, Florida, and its province:

Whereas, in royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve the gifts and rewards proposed by my predecessor, the brigadier Don Sebastian Kindelan, for the veteran officers and soldiers, as well as for those of the militia of this province who contributed to the defence of it in those circumstances, one of those gifts being the distribution of lands in proportion to the number of each individual's family. That Don Jorge Fleming, captain of militia of the province, and of the Irish company of this city, having presented himself, soliciting the quantity corresponding to his family, and slaves, there were granted to him nine hundred and eighty acres, as follows: two hundred acres on the east side of the river St. John's, at the place called *Cuellos*, about two miles from *Buena Vista*, three hundred ditto on the west side of the river St. John's, south of the lands of the deceased Don Thomas Travers, and the remaining four hundred and eighty, at the place known as *Langly Bryan*, in times of British dominion. All in conformity to the regulations established by this government for the distribution of lands, and to the number of persons and slaves that he has manifested his said family to consist of, and to what has been decided by my decree of this day, made to the proceedings instituted by the said Don George Fleming, which exists in the Escribano's office of the government; wherefore, I have thought proper to grant, as in the name of his majesty I do grant, to him, the said Don Jorge Fleming, the aforesaid nine hundred and eighty acres of land, without injury to third persons, at the places already set forth for himself, his heirs and successors, in absolute property, and in issuing to him, as by the present I do issue, the corresponding title, by which I separate the royal exchequer from the right and dominion which to said lands it had, and I cede and transfer the same to the aforesaid Don George Fleming, his heirs and successors, that in consequence thereof they may possess, use, and enjoy it, without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services which it had, has, and of right and in law thereto appertain and may belong; and it being their will, they may cede, sell, transfer, and alienate the same, as may best suit them. To all of which I interpose my authority as far as I can, and in law ought to, in virtue of the will of the sovereign [illegible] given under my hand, and countersigned by the undersigned, [illegible] of the governmental and royal exchequer in this city, [illegible]

said of St. Augustine, Florida, on the 6th of April, one thousand eight hundred and sixteen.

By order of his excellency,

JOSE COPPINGER,
JUAN DE ENTRALGO,
Escribano pro. tem. of the Gov't and Royal Exchequer.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r and Tran. Sup'r Court, E. D. F.

Translation of survey to Fleming.

Don Andres Burgevin, as surveyor appointed by a decree of this government, made on the 31st of October of the present year, in favor of the interested;

I certify, that I have measured and delineated to Don Jorge Fleming seven hundred and eighty acres of land, that is to say, of four hundred and eighty, at the place known as *Langley Byrne*, in front of the fort of Buena Vista, and three hundred on the north and west of said plantation; the two places being near each other, they were united in the same survey, the form and demarcations of which are those represented in the following plat; and that it may appear, I sign it in St. Augustine, Florida, the 31 of December, 1818.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. Sup. Court, E. D. F.

No. 23.

Offered in evidence on the part of the claimants, objected to on behalf of the United States, and received in evidence subject to the objection.

Grant and survey to John G. Rushing.

Translation Grant.

To his Excellency the Gov'r.

Juan G. Rushing, a settler on the river St. John's, with due respect to your excellency, appears and says that he and his wife, Dona Mabel Jerdine, with whom he has had five children, are natives of this province,

[illegible] to him, he [illegible] for any number of the government, his application you [illegible] be pleased to grant to him as the quantity corresponding to [illegible] family and servants about whose [illegible] years of age, which he possesses, five hundred arpens of land fronting [illegible] St. John's, situated [illegible] up the creek called Clapboard creek, [illegible] hopes to obtain from the goodness of your excellency.

Fort George, 1st of October, 1815.

JOHN G. RUSHING.

St. Augustine, 27th of October, 1815.

Referred to the military and civil commandant of the river St. John's, that he may report in relation to the conduct and procedure of the interested, as well as of the property which he possesses, and the ages of the children and slaves which he sets forth in this petition, that on sight thereof to decree what may be convenient.

ESTRADA.

To his Excellency the Gov'r.

In obedience to the preceding superior decree, I have made the most effectious diligence to give due compliance to the same, and I have found the petitioner [illegible] five children from two to nine years of age; he has also, a negress with three children hired to Mr. James Smith, another to Mr. James Hardy, and another to Don Jorge Clarke, which [illegible] he has divided in this manner for not having lands of his own where [illegible] about to employ them. I am informed that the petitioner is an honest [illegible] and that he has always of good conduct, and has not taken part in [illegible] did revolutions, and his being very industrious in planting, it is all that I can inform your excellency on the subject.

St. Nicholas, 21st of November, 1815.

THOMAS LLORENTE.

St. Augustine, 27th of November, 1815.

On sight of what has been reported by the military and civil commander of the river St. John's, and of the good conduct and other circumstances of the interested, there are granted to him two hundred and five acres of land at the place where he solicits, without injury to third persons; and for his security, let there be issued to him, by the secretarie's office, the corresponding certificate.

ESTRADA.

I certify the foregoing, to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. sup. court. E. D. F.

Translation *1st survey to J. G. Rushing.*

Don Jorge Clarke, [illegible] of militia of St. Augustine, Florida, and surveyor general, appointed by the government of the city and province,

Certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and Trans. of sup. court, E. D. F.

Translation of Clarke's survey to Fielding.

Don Jorge Clarke, &c. I certify that I have measured and delineated to Don Juan G. Fielding, eighty acres of land on Clarke's creek, on the north side of the river St. John's, which, with 120 acres that are measured to him upon Duan's creek, are the complement of 200 acres which were granted to him by the government on the 27th of Nov. 1816, agreeable to the plat which follows, and is copied in the book of surveys in my charge.

Fernandina, 5th of Febr., 1817.

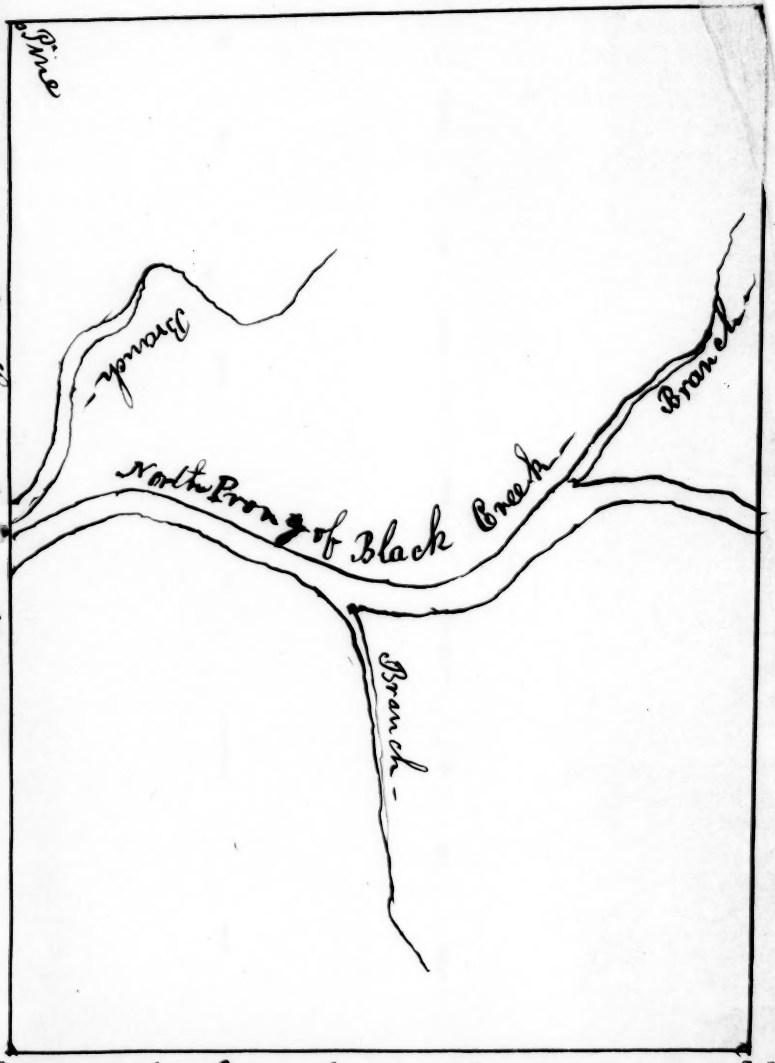
JORGE J. F. CLARKE.

[For plat, see original.]

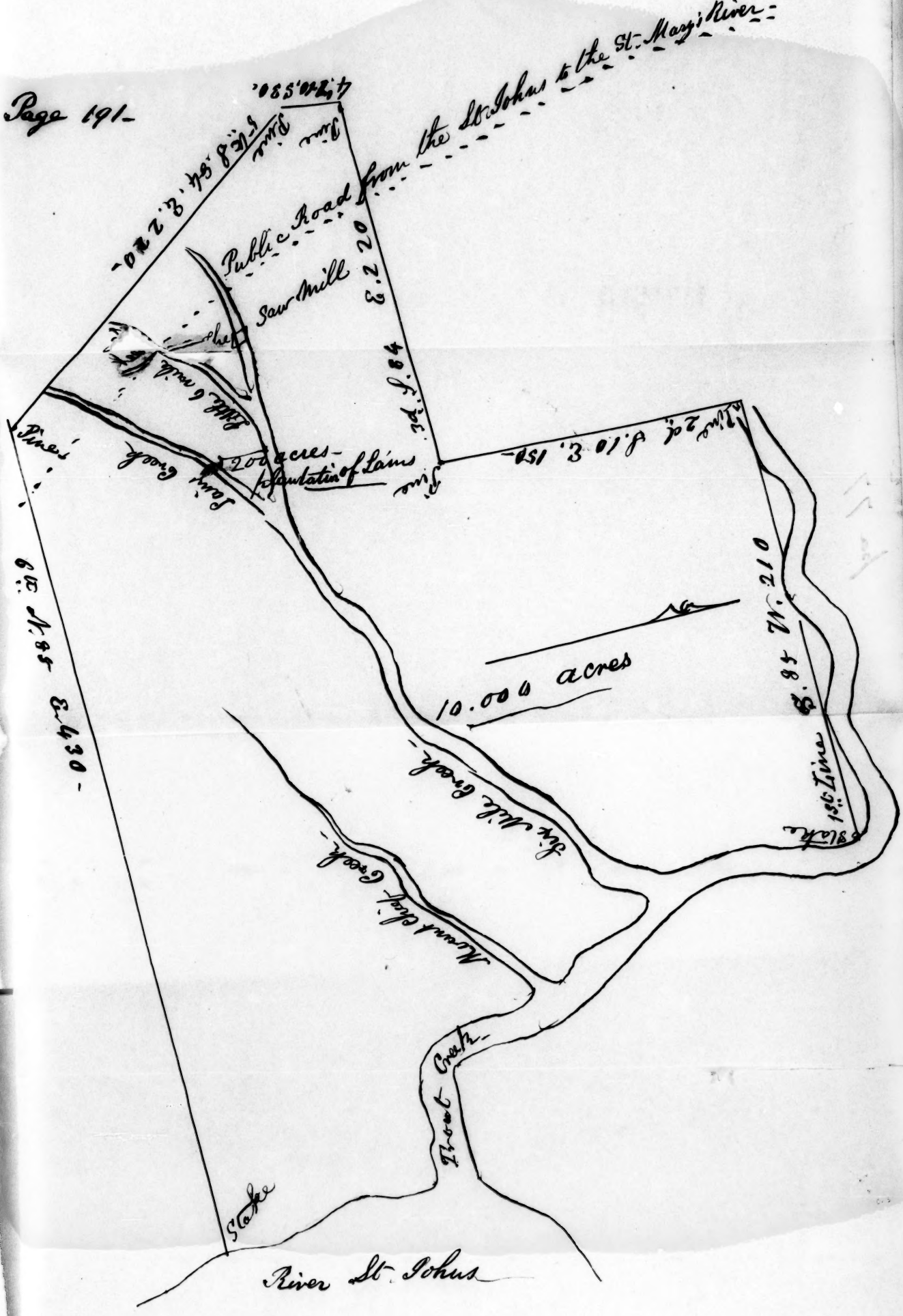
I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and Int'r. sup. court, E. D. F.

Evidence and testimony introduced on the part of the United States, in the foregoing cause, and numbered from 1 to


Pine
Pine
Pine
Pine
196 Lin. 24 W. 240-
Branch
North Prong of Black Creek
Branch
Branch
2d. Line S. 50. W. 167-

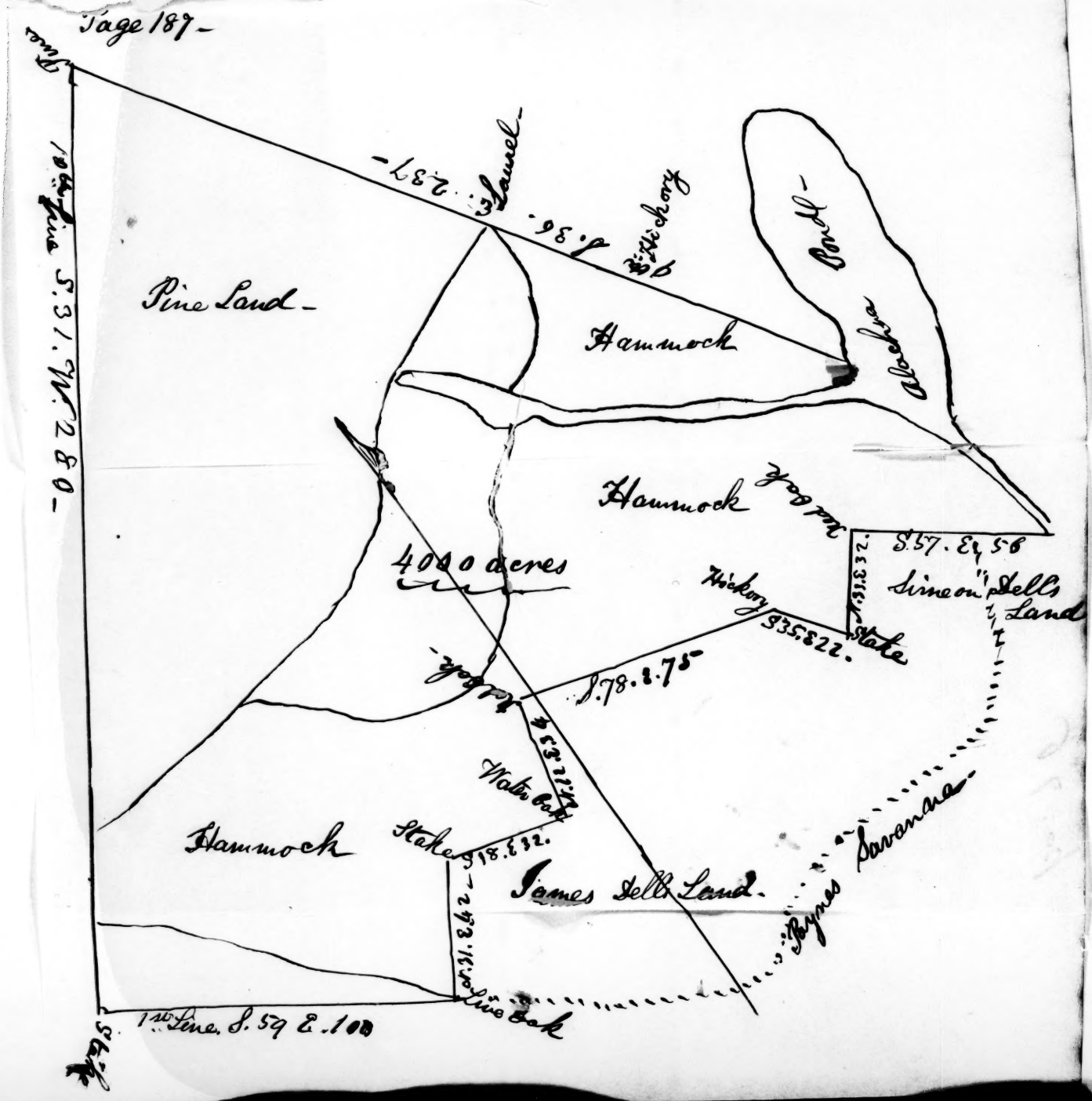
Page 191


Public Road from the St. Johns to the St. Mays River
Saw Mill
200 acres
Plantation of Lans
10.000 acres
Mill Creek
Mill Creek
Trout Creek
River St. Johns

Page 44.
69.
Big Creek
N. 11 W. 89 rods
20 chains
to the inch

Page 44.
66.
Rio da Santa Maria.
Estuar.
S. 60 E 40 rods.

Page 187-


Pine Land-
Hammock
Bond-
Alachua
Hammock
Hammock
4000 acres
Hickory
Stake
Simeon Sells Land
Hammock
Stake
James Sells Land.
Baynes Savanna
1st Line S. 31. W. 28 0-
1st Line. S. 59 E. 100

Page 187

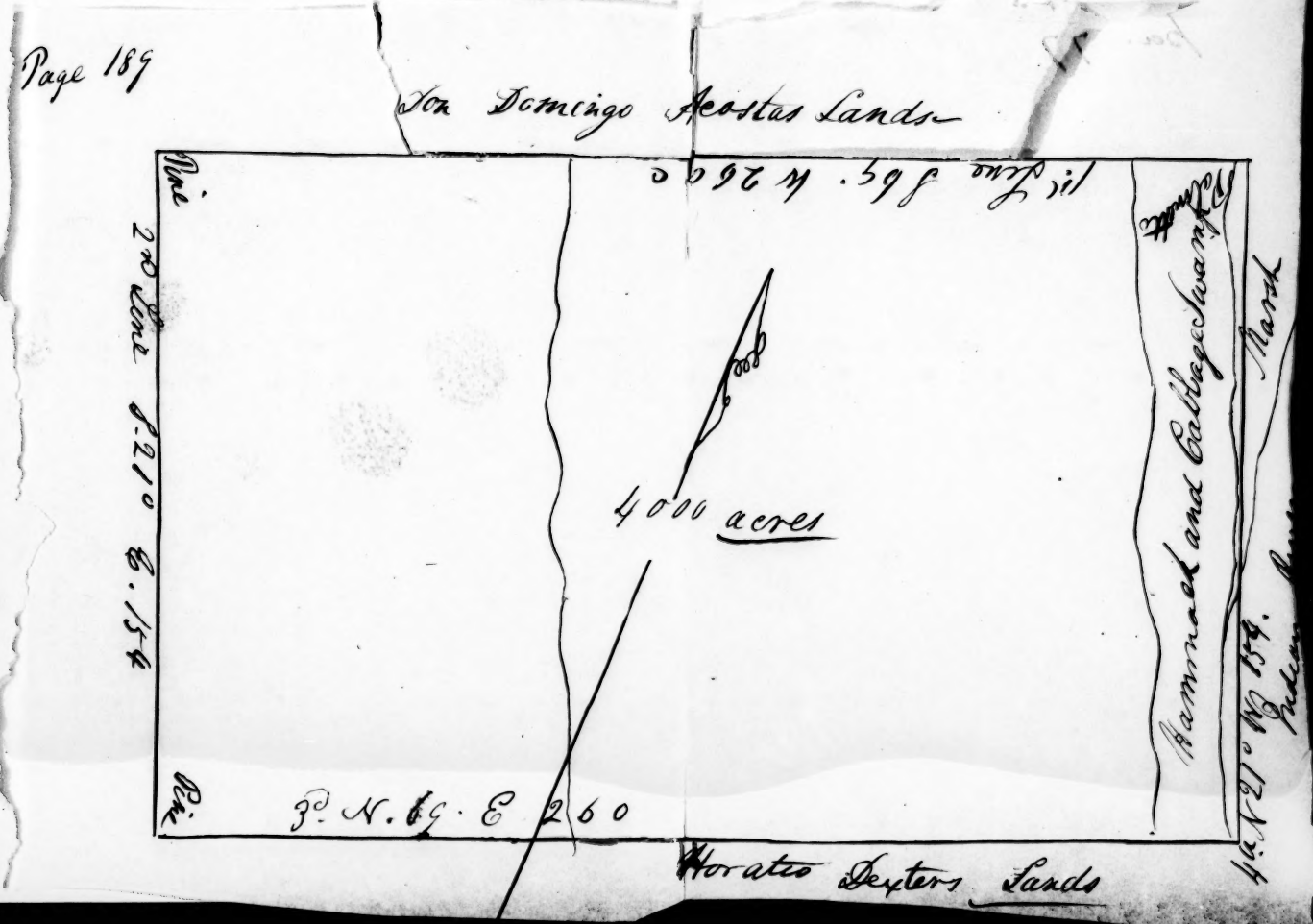
The Bearings Mentioned Lands—

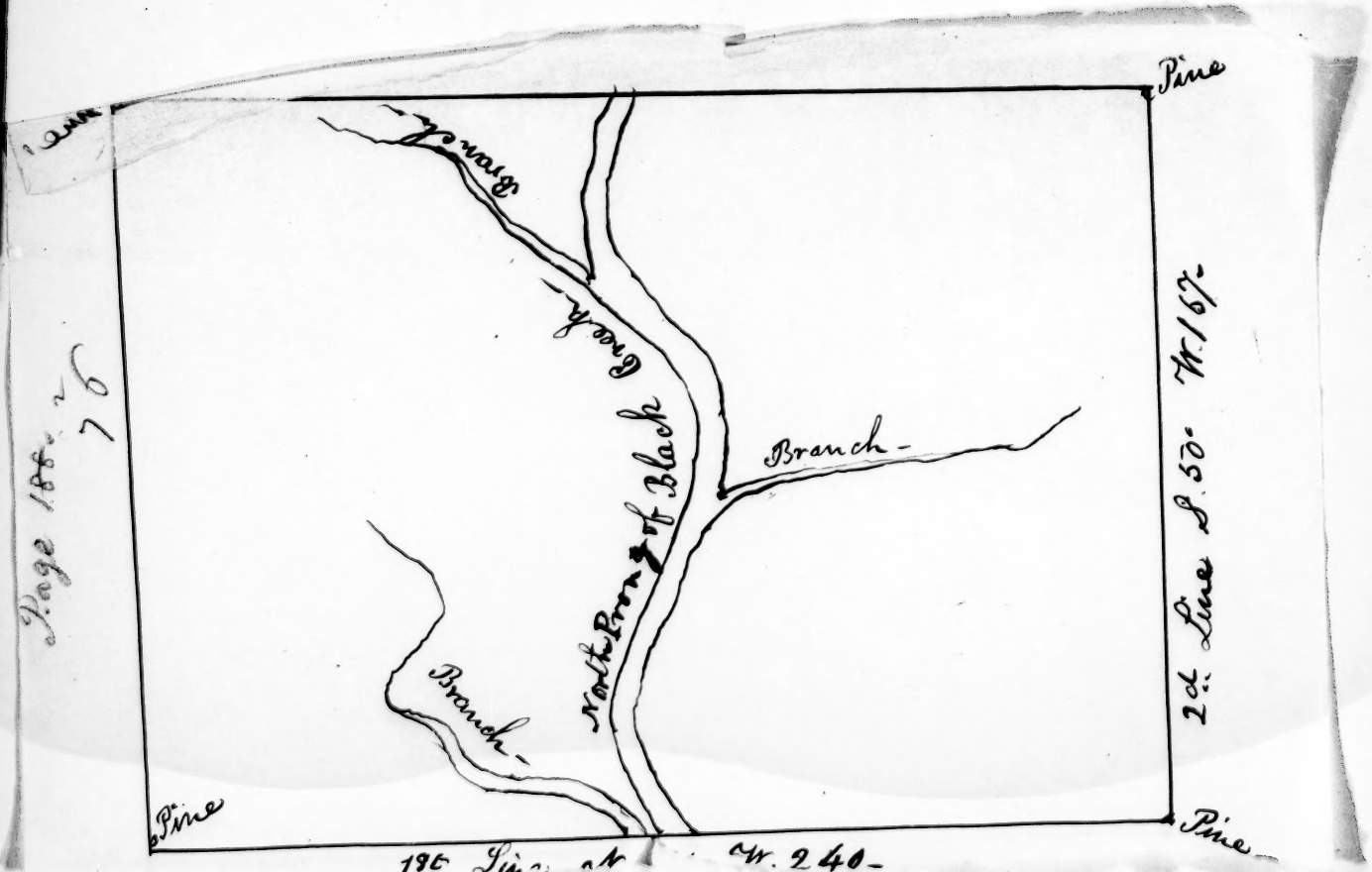
RETAKE OF

PERVIOUS

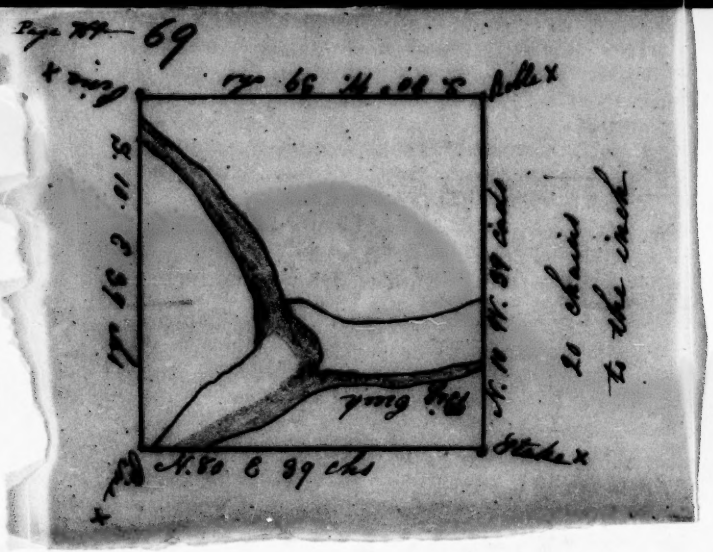
DOC.

Page 189


Don Domingo Acostas Lands
Pine
2nd Line S. 21° E. 154
Pine
S. N. 69. E 260
4000 acres
Hammock and Cabbage Swamp
Marsh
Horatio Dexters Lands


Pine
Branch
North Prong of Black Creek
Branch
Branch
Pine
2d Line S. 50° W. 167-
Pine
Pine
196 Line at W. 240-

Page 186 76


Pine Bank
to chain
to the river

Estacas
S. 60 E 40 leags.
Anig
Ri. de Santa Maria.
Ri. 30 leags.
Estacas
N. 30 W. 40 leags.
N. 60 W. 99 leags.
Boje Hac.

ba. 71-

Page 46
67
Stake.
Pine
N. 30. E. 95 chains
Scallans River
Lake
Lake
N. 60 W. 40 chs
Pine

pa. 10.
57
Pine
N. 35 W. 39 chs
Pine
S. 55 W. 39 chs
Pigeon Creek
N. 55 E. 39 chs
Pine
S 35 E 39 chs
Pine

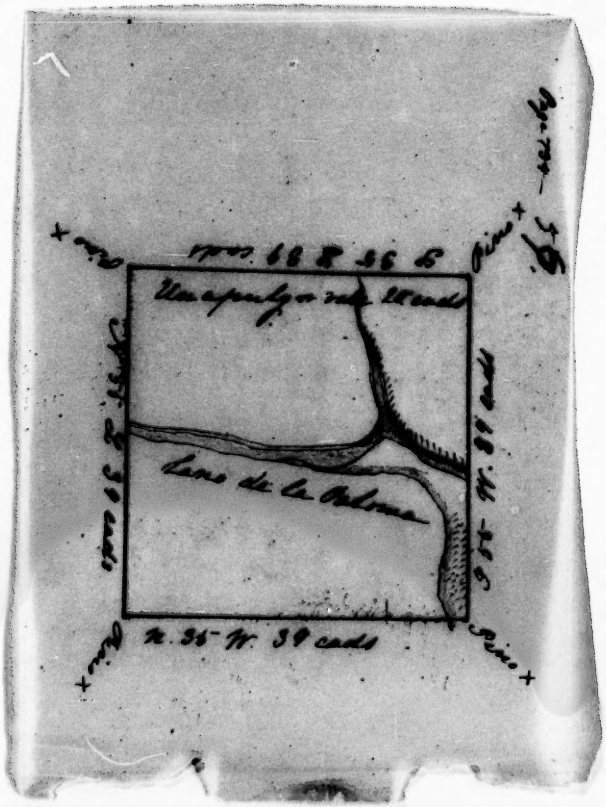
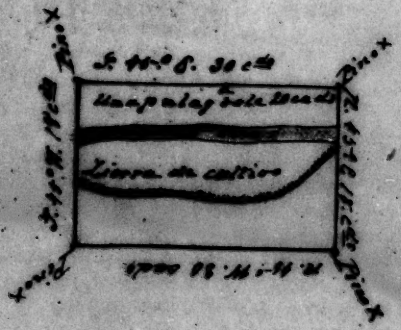

Linea de la Colonia

Figura 54



Plan of Plantation Ho. Lying on Ashley River
Pine
S 45° W 11 Chs
Pine
N 40° W 30 chs
Pine
N 49° W 18 chs
Pine
N 49° W 31 chs
LL chains to an inch

Stake
Bears Path
20 chains to an inch
N. 70° E 35 chains
Stake
30 chains S 20° E
Laurel
Rattlesnake Creek

Dec. 1847

Pas 5 2

Estaca

camino de S 2 0 N

Una fanega vale 20 cadn.

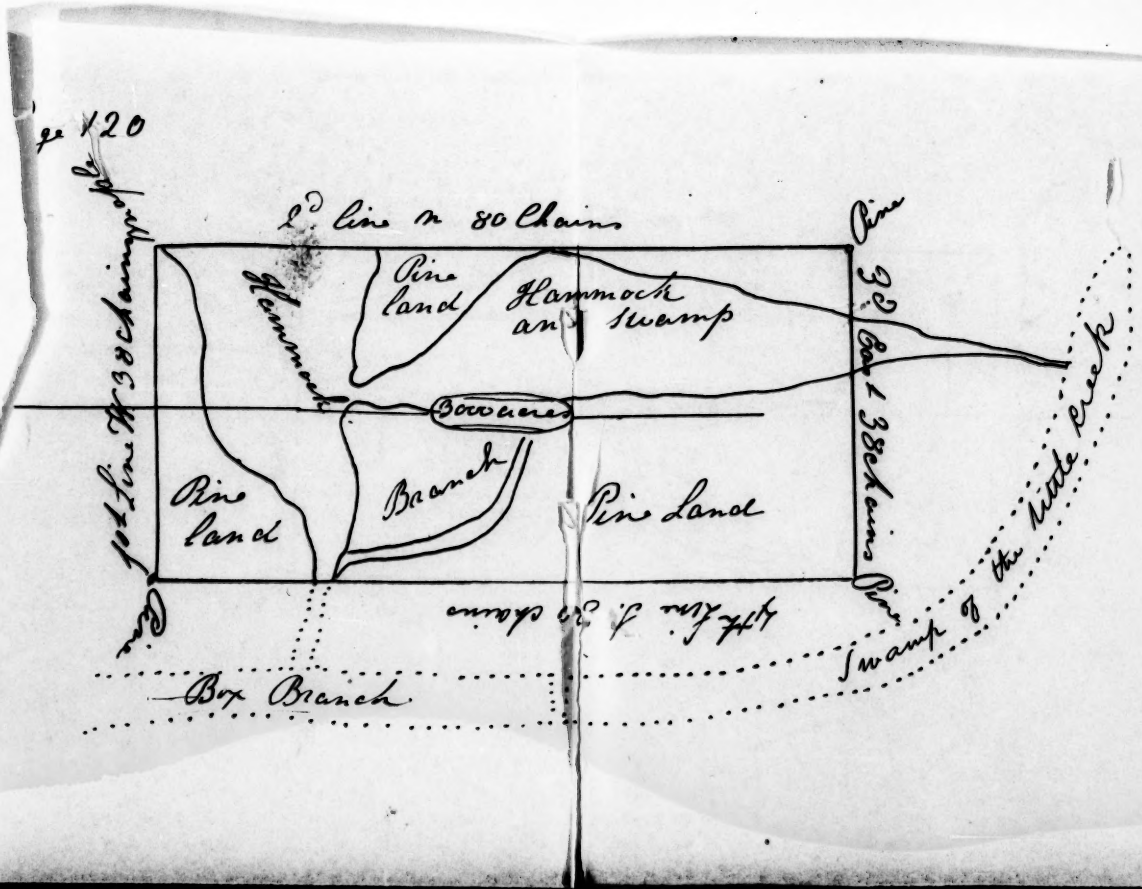
Paso de la Yuca

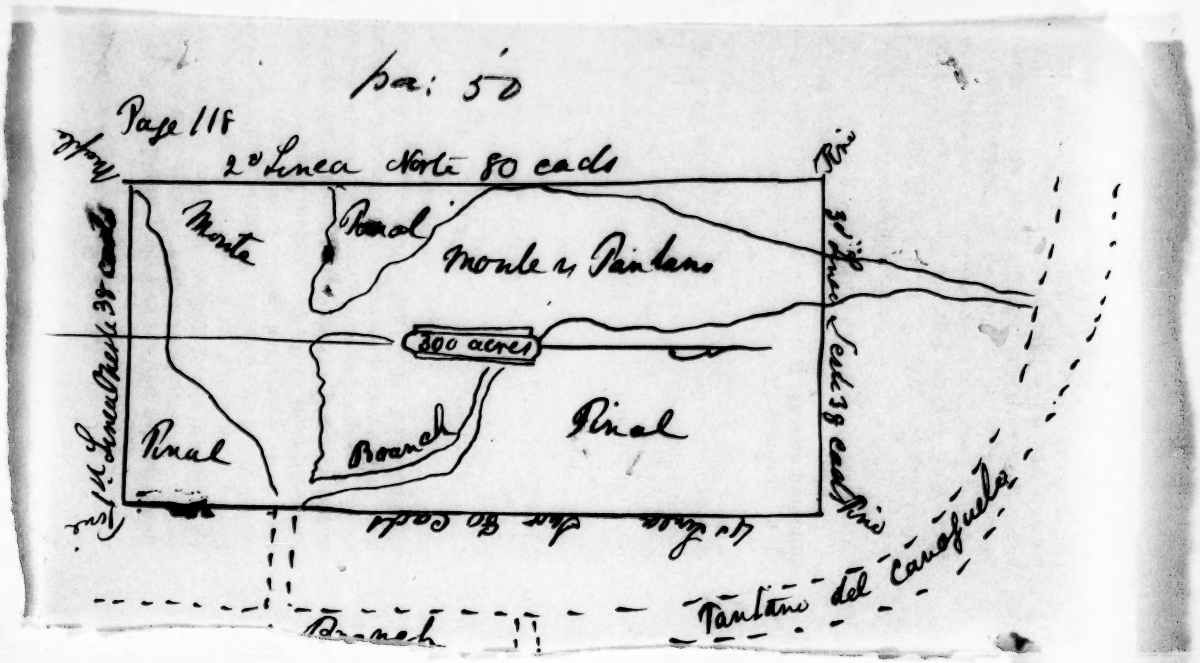
Arroyo Seco

Estaca

120 á 30 cad.

Samuel


Pine land
Hammock and swamp
Hammock
Branch
Pine land
Pine Land
Box Branch
Swamp of the little creek


Page 118
2ª Linea Norte 80 cads
Monte
Pinal
Monte y Pantano
300 acres
Pinal
Pinal
Pantano del Camoguela

Pine
4 chains 160
8 chains East 250
Pine
Hammock
Pine
Hammock
Pine
Hammock

Rable
Monte
Pinal
4000 acres
Savanna
Estrella

2d line N 28° West 160 chs
Pine
Pine
2d line N 62½ E 160 chs
Pine
Pine
Equivalent to Two miles Square
Pine Island
Twelve Mile Swamp

Pine

Savanna

4000 acres

Hammock & Swamp

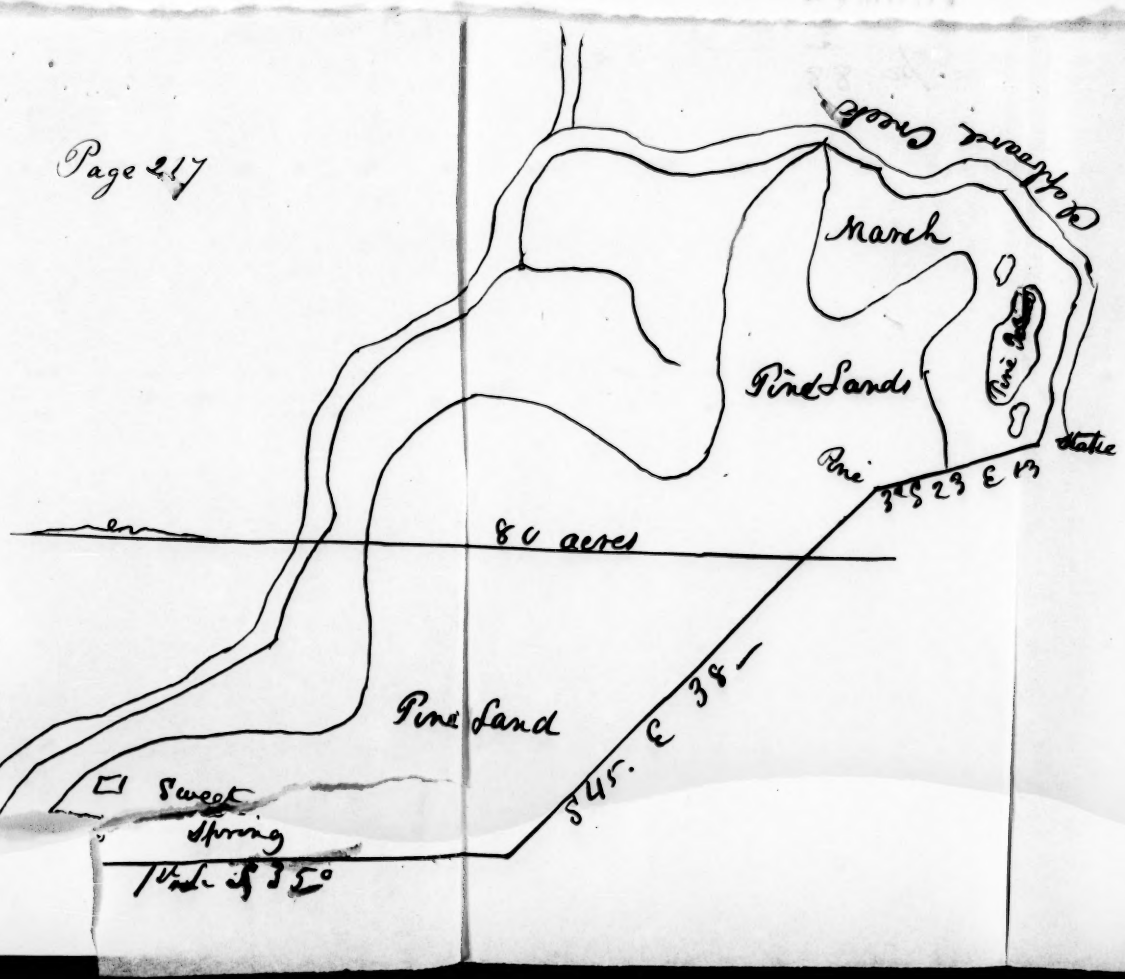
Pine Land

2d Line S. 75° W. 355 3/4

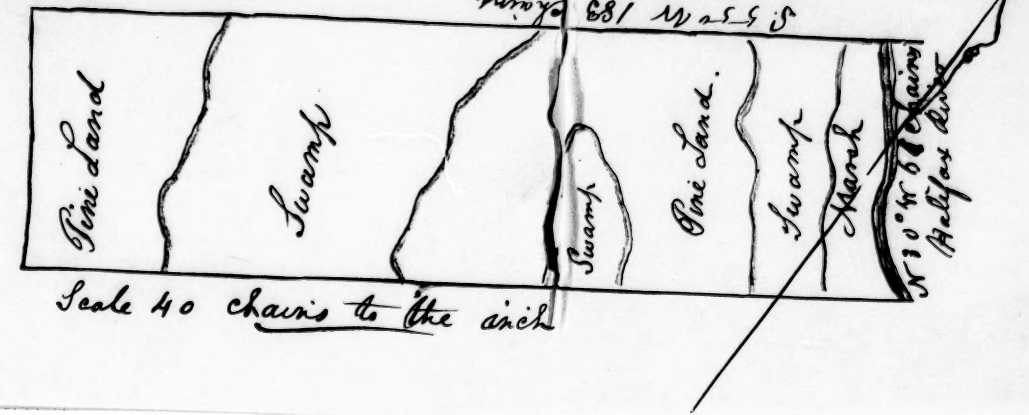
1st Line N. 15° W. 156 1/4

Palm

40 chains to an Oak — on the Pine Land


Page 217
Calhoun Creek
March
Pine Land
Pine
Station
Pine
S 23 E 13
80 acres
Pine Land
S 45. E 38-
Sweet
Spring
North 35°

Page 245. 100


S 57° W 189 chains.
Pine Land
Swamp
Swamp
Pine Land.
Swamp
Marsh
N 30° W 81 chains
Halifax River
Scale 40 chains to the inch

found and under what circumstances the change of location appears to have been made?

Answer. This instance is a case of Burgos Higginbottom for 200 acres of land. In this case, I am positive that the change of location was made and filed during the Spanish government; the other instances in which changes of location were made, the papers have been filed in my office, by the register and receiver. The case of Higginbottom is the only case that I have filed in the office under the Spanish government where a change of location has been made by George T. T. Clarke, as far as I have been able to ascertain. The concession to Higginbottom, is made in the year 1803. Mr. Clarke made a survey of it in 1818, of five hundred acres, and another of 200 acres, at a different place from that for which the concession was made; and he states in his certificate of survey that the land granted by the concession being occupied by another person, Higginbottom had taken possession of, and cultivated the land that he surveyed.

Question. Was the land, surveyed by Clarke, granted to Higginbottom by a royal title?

Answer. In 1819, a royal title was issued to the heirs of Higginbottom.

Question. Was not the royal title granted to Higginbottom on a petition, stating that he had inhabited and cultivated the land surveyed to him for a number of years?

Answer. Yes.

Question. Was it not the custom to grant lands in absolute property to those who had settled on the royal lands without a concession, when they proved that they had inhabited and cultivated agreeably to the regulations of the province?

Answer. I don't know. If there is any instance of it, I do not recollect. I believe Marrot was authorized to survey lands to those persons that were established in the province, according to the number of their family, and that survey was considered a concession.

Question. Did Marrot exercise any other powers than those of a surveyor, when engaged in surveying lands to actual settlers?

Answer. He had the power of surveying to each person the quantity corresponding to his family. He was a commissioner to survey lands to persons that were entitled to them. In each certificate of survey which he made, he states, that the survey corresponds to the number of the family of the person according to the oath which he made, and sometimes in his certificate of survey that the land corresponded, in part, to the number of the person's family.

Question. Did not the surveys and returns of Marrot show that he had surveyed to the settler the land which he at the time cultivated and inhabited, and that the quantity of land surveyed to him was in proportion to the number of his family and slaves, agreeably to the regulations of the province?

Answer. In his certificate of survey he never says whether the party was settled there before or not. He says, that the quantity of land that he surveys is in part of the quantity the person is entitled to, or the

[illegible] vs. The United States.

which he is entitled to. I have nothing to judge from but his certificates on file in my office.

July 31st, 1833.

Antonio Alvarez, again called, and examined on the part of the United States.

Question. Are you acquainted with all the royal titles granted by the Spanish governor of this province for land to individuals?

Answer. All the royal titles exist in my office; I am acquainted with them in that way; I know they are all in my office.

Question. Were not all these royal titles granted under the royal ordens of 1790 and 1815?

Answer. Yes.

Question. Were not the regulations of Governor White in force in this province from their publication in 1803, until the transfer of Florida to the United States?

Answer. Yes.

Question. Is not the case of Higginbottom, filed in this cause, the only instance in which a royal title was granted for lands where the change of location was made by the surveyor, without the express order of the governor in writing?

Answer. It is the only one that has come within my knowledge.

Examined by claimant's counsel.

Question. Were Governor White's regulations respecting the quantity of lands considered as absolute law in all cases, and bound the governors, his successors in office?

Answer. I know that they were in force; I do not know how far they bound the governors.

Question. Was the rule adopted by Governor White, of ten years' possession and cultivation of land conceded, necessary for a complete title? What is called a royal title in all cases of concession made by other governors?

Answer. I don't know that Governor White made any rule of ten years possession; I believe it was Governor Quesada that made that rule; I know that rule was departed from in some instances, particularly by Governor Kindelan, and since.

Examined by U. S. att'y.

Question. Do you remember any particular instance in which the rules you have referred to in your last answer was departed from by Governor Kindelan and his successors?

Answer. I don't recollect precisely the different instances; I know very well that the rule was departed from.

Question. Were they not cases which occurred after the date of the treaty; or, if before the date of the treaty, were there not some peculiar circumstances which caused the departure from the general rule?

found, and under what circumstances, the change of location appears to have been made?

Answer. One instance is a case of Butrose Higginbottom for 700 acres of land. In this case, I am positive that the change of location was made [illegible] during the Spanish government; the other instances in which changes of location were made, the papers have been filed in my office, by the register and receiver. The case of Higginbottom is the only case that I find filed in the office under the Spanish government, where a change of location has been made by George [illegible], as far as I have been able to ascertain. The concession to Higginbottom is made in the year 1803. Mr. Clarke made a survey of it in 1818, of five hundred acres, and another of 200 acres, at a different place from that for which the concession was made; and he states in his certificate of survey that the land granted by the concession being occupied by another person, Higginbottom had taken possession of, and cultivated the land that he surveyed.

Question. Was the land, surveyed by Clarke, granted to Higginbottom by a royal title?

Answer. In 1819, a royal title was issued to the heirs of Higginbottom.

Question. Was not the royal title granted to Higginbottom on a petition, stating that he had inhabited and cultivated the land surveyed to him for a number of years?

Answer. Yes.

Question. Was it not the custom to grant lands in absolute property to those who had settled on the royal lands without a concession, when they proved that they had inhabited and cultivated agreeably to the regulations of the province?

Answer. I don't know. If there is any instance of it, I do not recollect. I believe Marrot was authorized to survey lands to those persons that were established in the province, according to the number of their family, and that survey was considered a concession.

Question. Did Marrot exercise any other powers than those of a surveyor, when engaged in surveying lands to actual settlers?

Answer. He had the power of surveying to each person the quantity corresponding to his family. He was a commissioner to survey lands to persons that were entitled to them. In each certificate of survey which he made, he states, that the survey corresponds to the number of the family of the person according to the oath which he made, and sometimes in his certificate of survey that the land corresponded, in part, to the number of the person's family.

Question. Did not the surveys and returns of Marrot show that he had surveyed to the settler the land which he at the time cultivated and inhabited, and that the quantity of land surveyed to him was in proportion to the number of his family and slaves, agreeably to the regulations of the province?

Answer. In his certificate of survey he never says whether the party was settled there before or not. He says, that the quantity of land that he surveys is in part of the quantity the person is entitled to, or the

which he is entitled to. I have nothing to judge from but his certificates on file in my office.

July 31st, 1833.

Antonio Alvarez, again called, and examined on the part of the *United States*.

Question. Are you acquainted with all the royal titles granted by the Spanish governor of this province for land to individuals?

Answer. All the royal titles exist in my office; I am acquainted with them in that way; I know they are all in my office.

Question. Were not all these royal titles granted under the royal orders of 1790 and 1815?

Answer. Yes.

Question. Were not the regulations of Governor White in force in this province from their publication in 1803, until the transfer of Florida to the United States?

Answer. Yes.

Question. Is not the case of Higginbottom, filed in this cause, the only instance in which a royal title was granted for lands where the change of location was made by the surveyor, without the express order of the governor in writing?

Answer. It is the only one that has come within my knowledge.

Examined by claimant's counsel.

Question. Were Governor White's regulations respecting the quantity of lands considered as absolute law in all cases, and bound the governors, his successors in office?

Answer. I know that they were in force; I do not know how far they bound the governors.

Question. Was the rule adopted by Governor White, of ten years occupation and cultivation of land conceded, necessary for a complete title? What is called a royal title in all cases of concession made by other governors?

Answer. I don't know that Governor White made any rule of ten years possession; I believe it was Governor Quesada that made that rule; I know that rule was departed from in some instances, particularly by Governor Kindelan, and since.

Examined by U. S. att'y.

Question. Do you remember any particular instance in which the rules you have referred to in your last answer was departed from by Governor Kindelan and his successors?

Answer. I don't recollect precisely the different instances; I know very well that the rule was departed from.

Question. Were they not cases which occurred after the date of the treaty; or, if before the date of the treaty, were there not some peculiar circumstances which caused the departure from the general rule?

Answer. I cannot recollect what caused the departure from the rule; I cannot recollect the cases; I know that they occurred before the date of the treaty. By reference to my office I might be able to state the cases. The persons had not settled on the land in those I have alluded to. I am now speaking with respect to concessions, in which the rule was departed from. In relation to royal titles, I know of two instances in which the party has been permitted to sell the land by the governor without having obtained royal titles.

Question. Do you recollect any case in which a royal title was granted for land until the party had complied with the conditions of his grant; and did not the Government always require proof of such compliance with conditions before the royal title was given?

Answer. I do not recollect of any case; I know that they generally required proof of those having complied with the conditions of the concession.

Examined by the court.

Witness states, that no time was limited, after the concession was made, within which the survey was to be made. The general time within which the party was to take possession of this land granted, was from three to six months; in some instances more time was allowed. Witness supposed that the survey of the land would be the taking possession. Witness states, that the party must have ten years continued possession to entitle him to the royal title. Witness does not know of any difference as to the survey, occupancy, and possession, between mill grants and other grants.

Examined by claimants' counsel.

Question. Did or not Gov. Coppinger often depart from the rule of ten years occupation of the land conceded by him, before he gave a royal title?

Answer. I have said that from Gov. Kindelan's time, and since, the rule was departed from in many instances; I do not recollect the particular cases.

Examined by U. S. atty's.

Witness being requested to look at the document offered in evidence on the part of the United States, and filed herein, and numbered 9, and state whether that document does not contain the usual form for applying for and obtaining a royal title, or a title in full property, under the Spanish Government?

Witness replies that it does.

Witness being requested to look at the documents offered in evidence on the part of the United States, and numbered 10 and 11, and state whether those documents are not copies of the documents in the two instances which he has mentioned in his testimony, where the Spanish governor of this province has given the party permission to sell the land, without obtaining royal titles?

Witness answers, yes.

Sept. 14th, 1835.

Antonio Alvarez again called by claimant, and examined in open court.

Witness states, I believe that the survey of 5,000 acres on Black creek, offered in this case, was taken from the office of the public archives by Mr. Rodman, under an order of the former judge of this court, as also the survey of 5,000 acres on Indian river, also offered in this case; the receipt of Mr. Rodman for these documents is dated May, 1832. These surveys were deposited, by the register and receiver for this district, in the office of the public archives, under the act of Congress requiring such documents to be filed in the office of public archives.

No. 2.

Offered and read in evidence on the part of the United States, without objection by claimants. Depositions of John Lee Williams, John L. Deggett, and Hy. D. Baldwin.

DISTRICT OF EAST FLORIDA, *superior court:*

THE UNITED STATES ads. JOSE A. VILLALOBOS and M. D. Fougeres. } Claim for 12,000 acres of land.

Interrogatories to be propounded to John Lee Williams, John L. Dogget, and Henry D. Baldwin, witnesses to be sworn and examined (before Elias B. Gould, esq'r, a justice of the peace) on behalf of the United States:

First. Do you know of a creek called Trout creek, which empties into the St. John's river below Jacksonville, in Duval county? if you do, please to state the distance from said creek to the Marquis de Fougeres' saw-mill, on Black creek.

Second. What is the distance from Black creek to Indian river by land, and what is the distance by water?

Third. Is there any communication between the two places last mentioned by water, without going to sea?

Fourth. Please to state the value and quality of lands on Trout creek and on Indian river, per acre?

Fifth. Would timber upon Indian river be worth transporting to Black creek to be sawed?

Sixth. Do you or not know of a certain tract of four thousand acres, or some other, and what, quantity of land, situated on Indian river, which is claimed by the petitioners, or either of them? if you do, please to state its value per acre, and the general growth of timber upon it.

THO. DOUGLAS,
U. States att'y.

Cross interrogatories.

1st. Is there or not one or more creeks in the eastern district of Florida called Trout creek, besides the creek called Trout creek, about ten miles below Jacksonville? if so, please to state where such other creek or creeks so named are.

Second. Have you ever seen the Marquis de Fougeres' saw-mill built on Black creek?

Third. When the Spanish government of East Florida granted public lands to individuals, did said government make any distinction between the different qualities of those lands, or their situation?

Fourth. Was or was not the surveyor general under said government authorized, in virtue of his public office, to locate lands granted by said government, in such places as he might judge fit, to suit their convenience, and security of the grantees, against the claims of third persons?

Fifth. Did you, or any of you, reside in Florida under the Spanish government? if so, state how long; if not, when you first came to reside in Florida.

J. RODMAN,
Solicitor for complainants.

The United States, by their attorney, object to the foregoing 3d, 4th, and 5th cross interrogatories.

THO. DOUGLAS, *U. S. att'y.*

SUPERIOR COURT, *district of East Florida:*

THE UNITED STATES
ads.
JOHN A. VILLALOBOS and M. de FOUGERES.

The answer of John Lee Williams to the interrogatories and cross interrogatories propounded to him in the above cause. The said Williams being first duly sworn

To the first interrogatory witness answers: That he knows of the creek mentioned; the distance from there to Marquis de Fougeres' mill, as the road goes, is about 33 miles.

Second. The distance by land is about 124 miles to Indian river from Black creek—by water it is not far short of 200 miles.

Third. No other is yet known.

Fourth. The land on Trout creek is of no value, being a sandy, barren soil. On the heads of Indian river the lands are very valuable. The lands on Trout creek may be worth one dollar per acre for the timber. At Indian river they may be worth from $2 to $3.

Fifth. No.

Sixth. Witness says that he knows nearly where the tract is situated, but he does not know the lines. The land is generally valuable there—timbered with live oak, maple, magnolia, gums, ash, and other hard woods.

Answers to cross interrogatories.

First. Witness thinks there is a creek that empties into Six Rule creek, that is called Trout creek.

Second. Witness answers—Yes.

Third. Witness cannot answer from his own knowledge.

Fourth. Witness considered the authority of the Spanish surveyors in this respect doubtful.

Fifth. Witness lived under the Spanish government only two or three months.

JOHN LEE WILLIAMS.

Sworn and taken before me the 19th May, 1832.

E. B. GOULD,
Presiding Justice.

ST. JOHN'S COUNTY:

In the superior court, district of East Florida.

THE UNITED STATES
vs.
JOSE A. VILLALOBOS and M. Fougeres. } Claim for 12,000 acres of land.

The answers of the witness Henry D. Baldwin, to the interrogatories and cross interrogatories propounded to him in this cause—the said witness being first duly sworn.

First. Witness does not know Trout creek, and cannot state the distance.

Second. Witness cannot state any thing about it, having no knowledge on the subject.

Third. Witness cannot tell.

Fourth. Witness cannot tell, never having been at either of those places.

Fifth. Witness does not know.

Sixth. Witness does not know.

Answers to cross interrogatories.

First. Witness does not know.

Second. Witness says that he has seen said mill.

Third. Witness does not know.

Fourth. Witness does not know.

Fifth. Witness says that he did not.

H. D. BALDWIN.

Sworn and taken before me the 19th May, 1832.

E. B. GOULD, *Presiding Justice.*

ST. JOHN'S COUNTY:

In the superior court, district of East Florida.

THE UNITED STATES
vs.
JOSE A. VILLALOBOS and M. Fougeres. } Claim for 12,000 acres of land.

Answers of John L. Dogget to the interrogatories and cross interrogatories propounded herein—the said Dogget being first duly sworn.

To the first interrogatory witness answers—That he knows of the creek referred to; the distance from Trout creek to the Marquis' mill is about thirty miles.

Second. Witness says that he never was at Indian river, and therefore cannot tell.

Third. Witness thinks not; he has been informed of some other communication, but it is unknown to him.

Fourth. Witness thinks twenty-five cents an acre is as much as he would give for land on Trout creek; he knows nothing of the value of lands at Indian river.

Fifth. Witness answers no, not at this time, but at some future period it might, under certain circumstances.

Sixth. Witness knows nothing of the lands referred to.

Answers to cross interrogatories.

First. Witness knows of no other Trout creek, than the one near Jacksonville.

Second. Witness never has seen this saw mill.

Third. Witness knows nothing, except what he has read in the books.

Fourth. Witness thinks the surveyors could not locate, except by a decree of the governor.

Fifth. Witness first came to reside in Florida, in March, 1822.

JNO. L. DOGGET.

Sworn to before me, the 19th May, 1832.

No. 3.

Offered in evidence on the part of the United States; objected to by counsel for claimants as irrelevant, but admitted by the court.

Translation of two surveys, and decree and petition for titles of Higginbottom.

Translation—1st survey to Higginbottom.

Don Jorge Clarke, lieutenant of militia of St. Augustine of Florida, and surveyor general, appointed by the government of the same city and province.

I do certify, that I have measured and bounded to D'a Isabel Higginbottom, two hundred acres of land at a place on the St. Mary's river, named Sandag's Bluff, in part of seven hundred acres that were granted to her deceased husband, Burras Higginbottom, on the 24th of September, 1803, at another place lower down upon said river, named Reading Blunt's old field, which resulted to have been claimed by another person: which land in its circumstances is agreeable to the following plat and its original, which I preserve in the book of surveys under my charge.

Fernandina, 22d of January, 1816.

Signed, GEO. J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Tran. and interp. sup. court, E. D. F.

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3d Line N. 60 chains
Pine Stand
White Oak Stock
Pine Land
200 acres
St Marys River
Meadow
2d Line West 44 chs
Pine Stand
White Oak Stock
Pine Land
200 acres
St Marys River
Meadow
Land
Land

Page 29 90

2d Line West 44 chs
3d Line N. 60 Chains
Pine Grove
White Oak Creek
Pine Land
200 acres
Mary River
Pine
Pine
Pine

Translation of 2d survey to Higginbottom.

Don George Clarke, lieutenant of militia of St. Augustine, Florida, and surveyor general, appointed by the government of the same place and province.

I certify, that I have measured and bounded five hundred acres of land to D'a Isabel Higginbottom, upon the St. Mary's river, at a place named Higginbottom's Bluff, in part of seven hundred acres that were granted to her deceased husband, Burras Higginbottom, upon the said river on the 24th of September, 1803, with the name of Reading Blunt, but this resulted to be claimed by another person, in consequence of which he took possession of these five hundred acres, which he has cultivated ever since, and the remaining two hundred at a place [called] Sandag's Bluff: which five hundred acres are represented in the following plat and its original, which I preserve in the book of surveys in my charge. Fernandina, 10th of January, 1816.

Signed, GEO. J. F. CLARKE.

(For plat see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and interp. supr. court, E. D. F.

Higginbottom's decree for titles.

SENOR GOVERNOR:

D'a Ysabel Higginbottom, inhabitant of the river St. Mary's, widow and mother of sixteen children, with the respect due to your excellency, presents herself and says: that under date of the twenty-fourth of September, of the year one thousand eight hundred and three, his excellency, the Governor, Don Enrique White, was pleased to grant to her deceased husband, Burras Higginbottom, seven hundred acres of land, as appears by the certificate which accompany; which land he cultivated until his death in the year 1812, and since then this party interested has continued in the possession and cultivation of the same, keeping upon them her increased family, which she is ready to prove:

Wherefore, she prays your excellency will be pleased to order (after having complied with the customary forms) there should be issued to her her title of property, inasmuch as there has already elapsed more than the ten years possession established to entitle her to ask it. It is a favor which she hopes for from the justice of your excellency.

Signed, ELIZABETH HIGGINBOTTOM.

St. Mary's river, 28th of February, 1819.

Decree.

ST. AUGUSTINE, *6th of March*, 1819.

The documents which accompany are taken for presented: admit the proof which this party offers, the witnesses testifying under the formalities of law, before the present notary to whom it is referred; certifying first, the conditions under which the lands are granted; and being done, let it be reported, that it may be acted on.

Signed, COPPINGER.

Before me:

Signed, JUAN DE ENTRALGO,
Notary of the government.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

Decree for titles.

ST. AUGUSTINE, *16th of April*, 1819.

Seen. In merit of the proof that precedes by which Ysabel Higginbottom has qualified, that herself and her deceased husband, Burras Higginbottom, with their children, have cultivated for the space of more than ten years, the seven hundred acres of land which this government granted to him on the 24th of September, 1803, and have been measured upon the St. Mary's river, by the surveyor general, Don Jorge Clarke, at the places set forth in the certificates and plats presented, upon which all the family of the deceased still continues to reside, as is testified to by the witnesses; and as there has been full compliance given to the conditions prescribed by this government for the grants of similar nature, let there be issued in favor of the widow and heirs of Burras Higginbottom, the titles of property to said lands, in the form and with the customary requisites, and under the dimensions which the plats presented point out.

Signed, COPPINGER.

Before me, JUAN DE ENTRALGO.

In St. Augustine, on the same day, month, and year, I made known the preceding decree to Ysabel Higginbottom.

I attest:

Signed, ENTRALGO.

I certify the foregoing, to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and int. sup. court, E. D. F.

No. 4.

Offered in evidence on the part of the United States; objected to by claimants' counsel as irrelevant, but admitted by the court.

Marrot's survey to Ferguson.

Don Pedro Marrot, captain of the 3d battallion of the regiment of infantry of Cuba, and commissioned judge by the Governor and commander general of this province of East Florida, for the survey and demarcation of lands, directed to be distributed by order of his majesty.

I certify, that at the plantation, called Harmony House, there were measured and delivered to the inhabitant, Dr. Artemas Elliot Furgason, whose family consists, under the oath he has taken, of twenty-two persons, in the following form, husband, wife, and twenty negro slaves, for which family there corresponded to him thirty-four caballerias and seventeen acres of land. The first line runs south forty-five degrees west, commencing at a gum, on the margin of Doctor's creek, and ends at a pine, marked with a cross; its measurement containing one hundred and twelve chains. The second line runs south forty-five degrees east, commencing at said pine, and ending at a cypress, with the same mark; its measurement containing eighty chains. The third line runs north sixty-five degrees east, commencing at said cypress, on the margin of Black creek, and ending at a stake with a cross, at the margin of Doctor's creek; having, in measurement, one hundred and twenty-six chains; its front runs on the margin of said creek; all agreeable to the orders in my possession. The party interested signed it, with the surveyor, Samuel Eastlake. And that it may appear and serve as a notice to the secretary's office of this government, to which the parties interested ought to apply for their titles, I give the present, at the plantation, Harmony House, Doctor's creek, St. John's river, 2d of December, 1791.

(Signed,) PEDRO MARROT.

[For plat, see original.]

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and Trans. sup. court, E. D. F.

No. 5.

Offered in evidence on the part of the United States, objected to by claimant as irrelevant, but admitted by the court.

Title to F. Bethune, and proceedings to obtain title. Proceedings to obtain title.

Don Juan de Pierra, lieut. of the 3d battalion of the regiment of infantry of Cuba, and secretary of the government.

I certify, that on a memorial presented by Don Farquar Bethune, requesting the one thousand and one hundred acres of land, which, on the month of August, 1803, was granted to him, at a place called Cape Rose, near Indian river, and having cultivated for an equal number of acres on Halifax river, its boundary commencing south of the lands granted to Samuel Williams, the following decree was this day had.

Admit the relinquishment which this party interested makes, of the one thousand and one hundred acres of land that were granted to him near Indian river, granting to him, in lieu thereof, an equal number of acres, at the place he solicits.

WHITE.

And that it may serve the party interested as security, I give the present, in St. Augustine of Florida, the 25th of September, 1805.

(Signed,) JUAN DE PIERRA.

Certificate of survey.

In virtue of the commission conferred upon me by the excellency Dn. Enrique White, civil and military governor of this province, on the 7th day of October, in the year 1803.

I certify, that I have measured and bounded to Don Farquar Bethune, a piece of land, that contains one thousand and one hundred acres of land, situated on Halifax river; bounded on the north, by lands of Don Samuel Williams; on the east, by Halifax river; on the south and west, by vacant lands; which form and demarcation are those denoted in the following plat. And that it may appear, I sign the same, in St. Augustine of Florida, this 18th day of May, 1806.

(Signed,) JUAN PURCELL,
Surveyor.

[For plat, see original.]

Petition to Governor.

SENOR GOVERNOR:

Don Farquar Bethune, a new settler of this province, with due respect to your excellency, appears and says:

That in the month of August, of the year 1803, the government was pleased to grant me one thousand and one hundred acres of land, on Indian river, and having experienced, in two years cultivation, its little or no value, I obained of the government the favor of being permitted to abandon this land, and take, in lieu of them, a like quantity on Halifax river, as will appear by the certificate of the secretary, Dn. Juan de Pierra, which is annexed to this solicitude; and as the ten years of possession required by the government have already elapsed, that at their ex-

[illegible] ... [illegible] ... [illegible]

[illegible] ... [illegible] ... [illegible] ... [

to I testify, that the conditions referred to in the preceding decree are, first, that the grantee, his heirs or successors, shall, within two years, reckoned from the date when the titles are issued to them, build, on the lands granted, a house with a chimney, proportioned to his means and family. Second, it shall be the duty of the same to keep the land cleared, for purposes of cultivation, as also, within the term of three years, he shall have at least five head of horned cattle for every fifty acres of land that may not be fit for cultivation; and that whenever any part of them should be required for public works or fortifications, it shall be ceded, returning the same quantity to the grantee at some other vacant place of his choice, or he shall be paid its value, according to appraisement. And finally, that although the gift and concession is made in perpetuity, the receiver, nor his heirs, shall not alienate nor transfer the lands to other dominion, until the lapse of the term of ten years' possession, and even then, the first transfer ought to be made by the permission of the government, and otherwise, it shall be null; which conditions will be seen in the titles which this government has issued to some settlers. After having received the royal order on concession of lands, and in compliance with what is ordered, I put my signet, and sign the present, in St. Augustine of Florida, the 2d of March, one thousand eight hundred and fourteen.

Signet, JUAN DE ENTRALGO,
Notary of the gov't pro tem.

In St. Augustine of Florida, the third of March, one thousand eight hundred and fourteen, before me, D'n Juan de Arredondo y Santalices, auditor of war, pro tem., of said city, appeared D'n Enos Patch, to testify, being a resident planter of this province, widower, and native of Connecticut, in the United States of America, to whom his knowledge, before me, and with the assistance of Don Jose Mariano Hernandez, who acted as interpreter, received oath, which he made according to law, upon which he promised to tell the truth, in what he should know, of what should be asked him; and being asked about the contents of the memorial which precedes, presented by D'n Enoque Bethune, and showing him the documents annexed thereto, he said, that he knew for certain that the memorialist has cultivated, for more than the space of ten years, the lands which the government granted to him, on Halifax river, calculating this time with that he held near Indian river, which he relinquished; that, as the witness has lived a long while in the territory of Mosquito, engaged in agriculture, he has frequently been at Bethune's plantation, referred to in the certificate and plat I have before me, and for this reason that the lands are cleared, that there are buildings for the habitation of whites and blacks, fences, and various kinds of stock, and all else necessary upon a plantation; having complied, in the opinion of the witness, with the conditions established by the government, and says that all is true, under the oath he has taken; that he is forty-seven years of age, and having read this declaration to him, he said it was cor-

work, and signed it, with his honor the auditor and interpreter, to which I attest.

(Signed,) ARREDONDO,
EZRA PATCH.

Before me, Juan de Entralgo.

JOSEPH M. HERNANDEZ,
Notary of the gov't, pro tem.

In the city of St. Augustine of Florida, on the same day, month, and year, before his honor the auditor of war, appeared D'n Gabriel Guillermo Perpall, native of Mahon, resident and settled in this province, of the married state, a witness presented by D'n Farquar Bethune, to prove what he has been ordered, from whom his honor the said auditor before me, the escribano, received his oath, which he made according to law, under which he promised to speak the truth to what he knows of what may be asked him; and having been asked concerning the memorial presented by the petitioner, and the documents which accompany it, he said, that he knows for certain, that D'n Farquar Bethune has cultivated and planted the lands which he has on Halifax river, from the time the government granted them to him, and besides, has built houses, fences, and all else necessary for a plantation, with stock of animals, and has cleared it for planting, which the witness has seen, and is publicly known; and says all is true under his oath, that he is forty-five years of age; and, having made him acquainted with the contents of this declaration, he said it was correct, and signed it with his honor the auditor of war, to which I attest.

(Signed,) ARREDONDO.
(Signed,) GAB'L L. G. PERPALL.

Before me, JUAN DE ENTRALGO,
Notary of the government, pro tem.

In the city of St. Augustine of Florida, on said day, month, and year, D'n Farquar Bethune, to prove what he has been ordered, presented D'n Jose Mariano Hernandez, native resident, and merchant of this city, of the married state, from whom his honor the auditor of war, before me, received oath, which he made according to law, under which he promised to speak the truth in what he knows of what may be asked him; and being asked concerning the memorial presented, showing him the documents which were presented with it, he says, that he knows positively, from what he has seen, that D'n Farquar Bethune has cultivated the lands which are mentioned in the certificate, which has been granted to him since this government made concession of them to him, and that it is true he has cleared, opened and improved said lands, in building dwelling houses, fences, and all else necessary for a plantation well managed, with stock of animals, by which, in the opinion of the witness, he has complied with the conditions established to obtain titles of property; and says that all is true under the oath he has taken, that he is near twenty-six years of age; and being informed of the contents of this his

declaration, he expressed its being correct, and signed it with his before the auditor, to which I attest.

(Signed,) ARREDONDO.
(Signed,) JOSEPH M. HERNANDEZ.
Before me, JUAN DE ENTRALGO,
Not'y of the Gov't, pro tem.

Seen. By the merit shown by the preceding proof, and documents presented by D'n Farquar Bethune, to prove the long possession and cultivation had upon the lands which this government has conceded to him, on the Halifax river, as is seen by the certificate exhibited, and that he has complied with the conditions that are imposed to make himself entitled to the title of property, let there be issued the title solicited by the said Bethune, in the customary form, and according to the plat which is formed, annexed to this proceeding, the costs of which will be paid by the party interested, with twenty-four reals, judge's fees.

KINDELAN.
ARREDONDO.

Decreed by his excellency Don Sebastian Kindelan y Oregan, gentleman of the order of St. James, brigadier of the national armies, military governor and political chief of this city of St. Augustine of Florida and its province, who signed it with the advice of his honor the auditor of war, on the fourth of March, eighteen hundred and fourteen.

JUAN DE ENTRALGO,
Not'y of the Gov't, p. t.

In St. Augustine, on the same day, month, and year, I made known the preceding decree to D'n Farquar Bethune. I attest,

ENTRALGO.

Note. That, on the same day, the title of property which is ordered was issued. I attest,

ENTRALGO.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *Int. and Trans.*
Sup. court, E. D. F.

Translation. Title to F. Bethune.

Don Sebastian Kindelan y Oregan, gentleman of the order of St. James, brigadier of the national armies, military governor and civil chief, and of the public exchequer, of this city of St. Augustine of Florida and its province. Whereby, in royal order, communicated to this government, on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba and the two Floridas, it is provided, among other things, that to those strangers who, of their own accord, should present themselves to swear vassalage to our sovereign, there should be lands granted and surveyed, gratis, in proportion to the number of workers that each family might have. That D'n Farquar Bethune having presented himself as one of these, there were granted

to him by this government, under date of the sixth of August, one thousand eight hundred and three, one thousand and one hundred acres of land, at the plantation formerly cultivated by one Captain Rose, near Indian river, of which land he made a relinquishment, and there were granted to him the same number of acres, on the twenty-fifth of September, one thousand eight hundred and five, on Halifax river, situated under the following boundaries: on the north by lands of D'n Samuel Williams, on the east by the river Halifax, and on the south and west by vacant lands, according to what appears from the certificate given by the private surveyor, Don Juan Purcell, to be seen in the proceedings that were moved by the said D'n Farquar Bethune, soliciting there should be issued to him the corresponding title of said one thousand one hundred acres. Wherefore, and in consideration of there having elapsed more than ten years of uninterrupted possession, to obtain the useful dominion to the said land, having built houses, and cultivated them, and finally complied with the other conditions of a similar nature, apparent in the titles issued to other settlers, as appears and is proven by the said proceedings, I have thought proper to grant, as in the name of his majesty I do grant, to the said D'n Farquar Bethune, the aforesaid one thousand and one hundred acres of land, for himself, his heirs, and successors, in absolute property, and in issuing to him, as by this present I do, the corresponding title, by which I seperate the national exchequer from the right and dominion which it had to said land; and I cede and transfer the same to the aforesaid Bethune, his heirs and successors, that in consequence thereof they may possess it as their own, use and enjoy it, with all its inlets, outlets, uses, customs, rights and services, which it had, have, and of right and in law thereto appertain and may belong; and it being their will, they may sell, cede, transfer and alienate, as may best suit them. To all of which I interpose my authority, as far as I can, and of right and in law ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned, notary pro tem. of the government and public exchequer, in this city of St. Augustine of Florida aforesaid, the fourth of March, one thousand eight hundred and fourteen.

(Signed,) SEB'N KINDELAN.

By order of his excellency, JUAN DE ENTRALGO,
Not'y pro tem. of the Gov't and Public Exchequer.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *Int'r and Trans'r Sup. court, E. D. F.*

No. 6.

Offered in evidence on the part of the United States, objected to by claimants as irrelevant, but admitted by the court.

Petition of B. Figueras, for permission to sell, and decree thereon.

SENOR GOVERNOR:

Bartolome Figueras, of this vicinity, with the respect due to your excellency, says, that consequent to the concession of twenty-five acres of land, which this government made to him, on the tenth of March, one thousand eight hundred and seven, situated in the territory of Moultrie, as appears from the certificate only, which accompanies, he has cultivated them without intermission from that time, and from long before he was in possession, by tacit consent, having labored in the clearing of land, and building a small house for his lodging, which is at present in ruins, and the petitioner without the means of rebuilding it, owing to the state of his poverty under which he labors. Wherefore, and having complied with the conditions which this government imposed upon him in the concession, that he should cultivate said land without interruption, and in consideration of the miserable state of the petitioner, which does not permit him to continue dedicated to the culture of the lands, finding himself also weighed down by years, and with the certainty of placing himself under the shelter of a brother that he has in the Havana, who has promised to succour him—

He supplicates your excellency will be pleased to dispense with the proof, which in these cases is required, to have issued to him the title of property, to which he has made himself entitled, by his constancy in the cultivation of said lands, for more than nine years, which circumstances are well known, as also the state of poverty of the suppliant, who has not the means of paying the expense of said proof, and consequently, unwarranted by the little value of the lands, you will be pleased to permit and authorise him, by a decree, that he may sell them for the price of twenty-five dollars, to D'n Fernando de la Maza Arredondo, junior, ordering the present notary to make out the corresponding deed, by which will be obtained, a benefit to the population, that one of the vicinity should cultivate the said land, and not suffer it to remain abandoned; favor which he hopes for from the justice of your excellency.

St. Augustine of Florida, 20th of August, 1813.

For the petitioner, who does not know how to sign.

DOMINGO RODRIGUES.

Decree.

ST. AUGUSTINE, 20th *of August*, 1813.

In regard to what this party represents about the possession and cultivation, without intermission, of the lands referred to, of which circumstances the government is informed verbally in order to save the costs, which would be judicially incurred, in the examination respecting the small amount for which the alienation is solicited, having for sufficient the certificate which he presents, the transfer of said lands to Dn. Fernando

de la Maza Arredondo is acceded, declaring, by virtue of this decree, the lands to be the rightful property of Bartolo Figueroa, that in consequence thereof the present notary may proceed to make the deed solicited.

(Signed) KINDELAN,
ARREDONDO.

Before me, JUAN DE ENTRALGO,
Not'y of the gov't pro tem.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. & tr. sup. court, E. D. F.

No. 7.

Offered in evidence on behalf of the United States; objected to on the part of claimants as irrelevant, and admitted by the court.

Petition of Joseph Bonely for permission to sell his lands, and decree thereon.

Senor governor: Joseph Bonely, of this vicinity, to your excellency respectfully says, that as will appear from the annexed certificate issued in his favor by the secretary of this government, on the 16th of January, 1799, your excellency was pleased to grant him 600 acres of land, south of the Orange Grove, at Matanzas bar, distant twenty-five miles from this city, at which place he there settled himself, cultivating them personally, with his children, until about the first of last year, when he was obliged forcibly to abandon them in the exercise of his natural right, which obliged him to retire to this place, driven by the Indians, who, your excellency knows, (and it is notorious,) abused his family, taking all of them to their towns with the greatest rigor and inhumanity, leaving his eldest son dead; and although it is true, that through the many and effective steps taken by your excellency, I have obtained getting (after much time) my wife and three children; it is also true they retain two of each sex from me. By this occurrence, which has reduced him almost to beggary, he has determined to sell the right which he has acquired to said lands, with the improvements which he has made upon them when he cultivated them, which houses are exposed from being abandoned by the petitioner since the day of his misfortune. And for this purpose, he supplicates your excellency most earnestly to pity his misfortunes, and through an effect of charity to be pleased to permit him to make the aforesaid sale, that with its proceed he may be compensated for the damages and injuries which he has suffered; which favor he hopes to merit from the piousness of your excellency's heart. St. Augustine of Florida, 23d of September, 1803.

For José Bonely, who does not know how to write, it is signed by
FERNANDO DE LA MAZA ARREDONDO.

ST. AUGUSTINE, 23d of September, 1803.

The cession or transfer of the improvements mentioned is permitted,

considering the colonition of which he gives an idea, and are known to the government, and are of public notoriety; and, also, because others, without such urgent reasons, have been permitted to make similar transfers.

Signed, WHITE.

Se'cte ORTEGA.

I certify, that the preceding is a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,

In. & tran. supr. court, E. D. F.

No. 8.

Offered in evidence on the part of the United States without objection by counsel for claimants.

Instructions to G. J. F. Clarke.

Instructions which are to be observed by the acting surveyor Don George Clark in partitioning land, and fees which are to be paid him by those who call upon him for that purpose.

Art. 1st. The possessors of lands in this province ought to be considered under three heads: 1st, as proprietors; 2d, as persons favored with lands; and 3d, as persons favored with lands and proprietors at the same time. The first are those who possess lands with legitimate titles, without having had them granted by the government. The second are those who possess lands granted by the government in virtue of certain conditions of time and labor, which, complied with and proven, they acquire, and there is given to them the title of property. The third are those who have already acquired this title.

Art. 2d. The surveyor being called upon by any individuals for the purpose of having their lands surveyed and marked, he will exact of them their title of property or grant of the government, that on sight of it he may proceed to the survey and demarcation of them.

Art. 3d. For this proceeding, he will summon the adjoining neighbors, that in their presence, and with that of their titles, it be all arranged in justice. This is understood to refer to the possessors of the second and third class, and to those who may have purchased of them, of the following article.

Art. 4th. "There shall be no spaces left of little consideration upon the margins of rivers, creeks, and roads, endeavoring to avoid it, shorten the depth some, to increase the front that much more, and that by this mode the division line of one land may serve for the next; care will be taken that the front of all lands do not exceed one-third part." This article is taken from the instructions which, for the same purpose, was given by the government on the 24th of October, 1791, which will be regarded, and as having been considered in all its force and vigor. The front of all land will be considered to be that part offering the best view, as 1st, upon rivers; 2d, upon creeks that are navigable; and 3d, upon roads; and as depth, the extension of longitude inland. All lands then

which depend, or have depended upon the gift of the government, should have, and ought to have, been surveyed under parallelogram rectangles, which line in front shall be one-third of that of the depth, or as near it as possible, in order not to leave vacant spaces of less than ten chains in front.

Art. 5th. To each individual whose lands he may survey, he will deliver the plat of them, marked in its circuit with lines run with ink, making the stationary points with a small circle of one twelfth of an inch in diameter, and upon the length of each line he will note the magnetic course and length in chains and links. When the circuit has none of its lines straight on account of bounding with a river, branch, or swamp, he will sketch its borders upon it, and will note the superficies which he should judge to add or diminish that which would result from the rectalinear superficies. In the centre of the plat, he will mark with numbers, the acres of land which he may have measured. The scale of these plats shall be uniform, of four chains to an inch. The plat being made, he will deliver it with the following inscription: "Plat of the number of acres of land of F. T., at such a place, measured and bounded by the public surveyor of this province, Dn. George Clarke, East Florida, such a day of the month and year upon the said land. George Clarke."

Art. 6. The surveyor shall have a book of foolscap paper, and [in] it copies of the plats he may give agreeable to the preceding article. These partial plats will be numbered. At the commencement of the book, there must be an index expressing the page at which each plat will be found, the number of the plat, and the owner to whom the land appertains. At the end of the book, there will be a sheet of paper of sufficient size for the general plat, containing the particulars, with the numbers corresponding to them; this plat shall be of eighty chains to an inch.

Art. 7. The book stated in the preceding article will serve to satisfy the government the questions that may be asked of it concerning vacant lands or unsurveyed, taking care, on judicial measurements, to keep a corresponding journal of his operations to satisfy the party adjoining.

Art. 8. That the boundaries may be permanent, he will cause stakes to be placed at the stationary points, three feet in length, and three inches thick at the end; which will be driven under ground, leaving three inches uncovered, notifying the owners of the land the propriety of filling a hole of two feet in diameter with oyster shells to the same depth of the width, for the purpose and recognition of their boundaries.

Art. 9. Those who employ the surveyor in the measurement will pay him four dollars per day for his personal services, calculating the time from the day he leaves the habitation where he may be, until he concludes the services which he renders them.

Art. 10. For the measurement of lumber with which the surveyor is also charged, he will be paid by the individuals employing him at the rates of two and a half reals per thousand feet, superficial measure, of one inch thick, when the measurement is of logs, and if being of sawed

lumber, at fifty cents; this payment being understood, as well for him who sells, as for him who purchases.

St. Augustine of Florida, 11th of June, 1811.

Signed, MANUEL DE HITA.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup. court, E. D. F.

No. 9.

Offered in evidence on the part of [the United] States; objected to on the part of the claimants as irrelevant, but admitted by the court.

Translation.

Instructions which are given to the Captain Don Pedro Marrot, of the third battalion of the infantry regiment of Cuba, which garrison the city of St. Augustine, Florida, appointed by the government, with the assent of the council of ministers, to proceed to the survey and laying off the lands which is to be executed by order of his majesty, for the benefit of the new settlers:

1st. He will take with him the public surveyor, and will take care that the measurements be made, adhering to the title, and to that ordered in the edict, of which I transmit a copy in the document No. 1, which will more fully instruct on the subject.

2d. He will likewise take with him a canoe, with two tents, two tarpaulings, four sailors, and two laborers, who will assist in the necessary work, with a pay of four dollars the first, and two dollars the latter; and in case of the sickness or abandonment, they can be replaced, informing the government thereof, that those may be noted in a book, formed for the purpose, of what may be owing them.

3d. There will also be formed another large book, in which will be placed the distribution which may be made of the lands, with the names of the whites of each family, and the number of slaves, with a distinction of the ages and sexes of each white or colored person.

4th. He will not consent that they pass off as fit persons to obtain lands those who belong to other places, and in general to those who have not been admitted by the government under the oath of allegiance, and therefore declared to be proper.

For the purpose of obviating frauds in this part, he will receive the oath from those wishing lands, according to the number of persons of their families, and they shall be informed, that if, for the future, any fraud is committed, they will remain liable to a deduction of lands the government may think proper to make.

5th. The married sons of families can obtain the part belonging to them, acting conjointly with their fathers, and they shall be notified, that it must be forever, and that in the book will be written the number of acres appertaining to each.

6th. He will inform, particularly, all those obtaining these gifts, that

certain conditions must be performed, before they can consider themselves owners, in absolute right, and lawful for them to dispose of what is now granted them.

7th. He must send them to the government secretary's office for their respective titles, where they will be informed of what is necessary.

8th. Those who obtain lands, cannot change or alienate them without informing the government, that it may take just measures to prevent confusion.

9th. When lands are to be surveyed, bounding those of individuals having them of their own, they will be cited to appear for the purpose of exhibiting their titles, permitting them to remain in possession, running the lines without injuring them, and the government reserving the right of examining, at a proper time, the validity of their titles, and defects of their petitions.

10th. On the sides of rivers, creeks, and roads, there must not be left small vacant spaces between the lands which are distributed, and for the purpose of avoiding it, cutting off a part of the depth, and adding the same quantity to the front, and by this method, the line of division of one tract may serve for that of the adjoining. The front of all tracts must be, if possible, not more than a third part.

The 11th and 12th articles are obliterated, and treat of the buildings appertaining to the royal domain.

NOTE.—It will be made known to all those who are to obtain lands, that one hundred English acres are equal to three Spanish caballerias, on which footing the measurement will be made. St. Augustine of Florida, October 24, 1791. From Clarke's Land Laws, pp. 998.

No. 10.

Offered in evidence by the counsel for the United States.

The following are copies of papers offered in evidence by the United States attorneys, in the claim of F. M. Arredondo vs. the United States, being copies of the translations made by the translator of this court, of duly certified copies from the office of keeper of the public archives for East Florida, and by agreement of counsel, to be admitted in evidence in this case, on the same footing as they were admitted in the said claim of Arredondo vs. The United States.

Offered in evidence by the U. S. att'ys, as follows:

The King to the Governor of the Floridas.

Translation.

THE KING:

My Governor of the Floridas: By my royal orders of the sixth of February and of the ninth of April last, I thought fit to grant, respectively, to the Duke of Alagon, the Count of Puenon Rostro, and Don Pedro de Vargas, residents of this court, several parcels of land situated in your district, according to the delineation which is expressed in each of them; and with the laudable object in view, that they should promote

the population and cultivation thereof, charging you to aid that enterprise, in conformity to the laws which are in force concerning that subject. But having understood that the high policy which I proposed to observe was jeopardied, and that, in opposition to the only meaning and the true spirit of the laws indicated, the alienation of the said tracts of land in favor of strangers, was treated of, I charged my council of the Indies, by my royal order of the twenty-eighth of the same month of April, that, in order to avoid all motives of doubt or interpretation concerning the precise term in which said bounties ought to be understood to have been made, it would explain to every one of the interested parties, the rules to which the laws subject them, and also my sovereign will, which is, that they cannot alienate the said lands, and much less to strangers. This royal order being made known to my said council, it thought fit to hear, thereupon, my chamber of accounts and my fiscal; and in consequence of what they exposed, it prepared the punctual execution thereof, for which it gave, together with its insertion, an instruction to every one of the grantees, on the eleventh of July last, upon the contents of the laws of the Indies, and especially of those comprehended in the titles fifth, sixth, seventh, and twelfth of the fourth book, in the following terms:

Law 1st and 2d, Title 5th.

"That the founders of new colonies, in the dominions of Indies, take care to establish the settlements in places healthy, fertile, and abundant in every necessary of life, and provided with good inlets and outlets, both by sea and by land."

Law 3d, Title do.

"That for husbandmen and handicraftsmen Indians, may go spontaneously, provided they are not of those who are settled already, and have houses and lands, nor of those who are distributed."

Law 5th, Title do.

"That in order to form a town, with Spanish inhabitants, by way of settlement, the capitulation be made with those qualifications: that within the terms specified therefor, it contain at least thirty inhabitants, having each of them a house, four oxen, or two oxen and two yearlings, ten breeding cows, one breeding mare, one breeding sow, twenty breeding ewes of Castile, six hens and one cock, with a church provided with necessaries and a chaplain."

Law 11th, Title do.

"That a town formed in this manner, have the civil and criminal jurisdiction for the term of two lives, with a faculty of appointing a mayor and council."

Law 2d, Title 6th.

"That the first founder or inhabitant, going to the new settlement from these kingdoms, pay no custom-house duties, nor any other royal

duties, for what they might carry for their houses and support in the first voyage."

Law 3d, Title do.

"That the same may use offensive and defensive arms, in giving security that they will not make a bad use of them."

Law 5th, Title do.

"That they be personally preferred with respect to bounties and commanderies, although they were not married."

Law 6th, Title do.

"That the persons, children, and lawful dependants of those who would obligate themselves to form a settlement and execute it, be gentlemen and of noble descent."

Law 1st, Title 7th.

"That the province or territory intended to receive a population, and the site of the new towns, be elevated, healthy, and strong, a due consideration being paid to the shelter, the bottom, and the defence, and the harbor; and that in those and other interior lands, vacant places be selected, without prejudice to the Indians and natives, or with their free consent; observing, in the construction of houses and streets, the method and order most conform[able] to good taste and ornament of the said towns."

Law 2d, Title do.

"That the governor of the district, having knowledge of the said circumstances, declare whether the settlement, about to be formed, is to be a city, a town, or a village, and, in consequence, a council will be formed, with a judge or mayor, or corregidor, or magistrate ordinary, a board of aldermen, and other public officers, corresponding to each of these classes."

Law 6th, Title do.

"That no population can be placed in sea ports, nor in any port which at any time may become detrimental to the King and to the republic."

Law 7th, Title do.

"That the land indicated to establish a population thereon by capitulation, be distributed in convenient parcels in this manner: the corresponding parcel to build thereon, commons, pasture grounds for cattle, and let the remainder be divided into four parts, one for the individual bound to form the settlement, and the other three parts to be distributed by lots to the inhabitants and settlers."

Law 20th, 21st, and 25th, Title do.

"That he make the assessment for the population, take care that the same be carried into effect within the specified term, keeping an account of the progress made; that the aldermen and proctors claim earnestly against the settlers who may not have fulfilled their obligations within

the specified time, and the justices rigorously compel them according to law, unless some fortuitous accident has prevented them; in which case, the governor may prorogue the necessary time.

Law 2d, Title 12th.

"That to those who, in forming the population of a province or district, might possess lands and lots in a town, no distribution be made in another, unless they have lived in it during the four years provided by law, in order to acquire the ownership thereof."

Law 3d, Title do.

"That those who accept the assessment made to form the population, obligate themselves to have the lots built upon, the house inhabited, the lands distributed in a state of culture, the plantations made, and other stipulations, under pain to lose the whole."

Law 9th and 10th, Title do.

"That the seats and lands which might be given to Spaniards, be so granted, without prejudice to the Indians, to whom they will be necessarily restored if they are proved to belong to them, and that in no case lands be sold to a church, convent, or clergyman, under pain of losing them."

Law 11th, Title do.

"That all the inhabitants and residents to whom lands might be distributed, be obligated to take possession of the same within three months, and fix the metes and limits which they might have, with other lands, by a plantation of willows and trees, if the season permits, in order to place them in a good and peaceful disposition; and those who will not do it shall lose them.

Law 12th, Title do.

"And the sites destined for cattle in the new settlements, be separated from the towns and plantations belonging to Indians, in order to avoid all prejudice to them, and in case they shall receive any, the justices will take care to see them indemnified.

"And the same tribunal, having given me an account of the whole, at the same time that it has merited my approbation, I have resolved that you shall be informed of it for your government. In consequence thereof, I order and command you, that in case the said orders of the sixth of March and of the ninth of April of this year, should be presented to you, by all or each of the grantees, for the fulfilment thereof, you dispose what is convenient, in order that their execution take place and be understood, subjected to the laws comprehended in the titles above explained, and moreover, with the precise qualification, that the indicated tracts cannot be alienated, and much less transferred to strangers, in which last case, the said grants will be considered as null and void—for this is my will, and let an account of the same be taken in the office of the comptroller general of the Indies.

given in the palace, on the tenth of August, one thousand eight hundred and eighteen.

, THE KING.

By order of the King our lord.

SILVESTRE COLLAR.

Three flourishes.—*Officially.*—(A flourish.)

"To the governor of the Floridas, informing of the precise terms in which the tract of land ought to be used, which, by royal orders of the sixth of March and of the ninth of April last, were granted in that district to the Duque of Alagon, the Count of Pureon Rostra, y Don Pedro de Vargas, residents of this court.

CON'DA.—(A flourish.)

The Marquis of Someruelos to the Governor of Florida, on the memorial of Keene.

Translation.

I send, enclosed to your excellency, the expedient preferred by Don Ricardo Raynal Keene, a Spanish subject, naturalized, soliciting a certain grant of land in your province, in order that, on seeing what he exposes, you inform me of your opinion concerning the various to which he refers in his petition, in conformity to the decree which I have put to it at this date.

God preserve your excellency many years.

Havana, 4th September, 1809.

The MARQUIS OF SOMERUELOS.

His excellency, the Governor of East Florida.

Report of the Governor of Florida, to the Marquis of Someruelos, on the memorial of Keene.

Translation.

No. 1206. Most excellent sir: The tract of land solicited by Don Ricardo Raynal Keene, extending from Cape Sable, which is the southwest point of this peninsula, in 24° 27' north, to 29°, comprehends more than eighty leagues of coast in latitude, without expressing how far in the interior he meant to proceed from west to east. Within this extension is the bay of Tampa, *Espiritu Santo*, in latitude 27° 36', where fishermen of the Havana usually resort; and in latitude 30° 12', is situated the fort of St. Mark, in Apalache.

From here, the only communication we have with those places, is through some Indian towns in the vicinity of Tampa, whose inhabitants come in search of their yearly presents, and to sell cattle and deer skins: they also are in the habit to go [to] the Havana, and would certainly oppose any settlement of white people on their lands.

The petitioner proposes to conduct the new settlement from the United States of America; but by a royal order of the 14th November, 1804, which your excellency was pleased to communicate to me on the 9th July, 1806, the citizens of the said States are prohibited to settle in the Floridas;

By a late regulation of this province, of which I informed your excellency on the 15th October, 1803, fifty acres of land are allowed to each head of family of the new inhabitants, twenty-five acres to the children and slaves, above sixteen years old, and fifteen acres to those above eight years old. A *caballeria* contains thirty-three acres and a third.

This is all the information I can give to your excellency, in obedience to what you have ordered me to do in your official communication of the 4th September last, in returning the original expedient. May God, &c. St. Augustine of Florida, 3d of November, 1809. Most excellent sir. *Most excellent sir.* E. W.

The Marquis of Someruelos.

The Marquis of Someruelos to the Governor of Florida, on the memorial of Keene.

Translation.

The Marquis of Someruelos to the Governor of Florida, on the memorial of Keene.

Don Ricardo Raynal Keene, a naturalized Spanish subject, has presented to me a memorial shewing that there being in your province some remnants of land uncultivated and unappropriated, belonging to the royal domain, to which they are of no use, but that it would be advantageous to distribute them to individuals, and he solicits, that the necessary permission be granted to him in order to purchase the same, in consideration of the pretensions which the Indians of that neighborhood may have to them, and I inform you of it, in order, that you may report to me your sense and opinion concerning this pretension. God preserve you many years. Havana, 2d July, 1811.

THE MARQUIS OF SOMERUEOS.

His excellency, the Governor pro. tem. of East Florida.

Report of the Governor pro tem. of Florida, to the Marquis of Someruelos, on the memorial of Keene.

Translation.

Most excellent sir; The pretensions preferred to your excellency, by Don Ricardo Raynal Keene, a naturalized Spanish subject, concerning giving to him the permission of purchasing vacant or Indian lands, and to your request of my reporting to you my opinion of the subject, I say, that I consider it judicious, and advantageous to the progress of this province, the preservation of which is so important to the monarchy, if families establish themselves in these parts, as they would serve as a strong barrier in order to restrain and distance the savages from this vicinity; nothing now occurs to me to be said on this subject, but that I refer to what I have reported to your excellency in my official note of the 29th of July last, No. 41; and I have only to add, that if it is permitted to Keene to buy lands, he ought to do it with the knowledge and in presence of this government, with interpreters appointed to that effect, in order to prevent, at all events, the Indians from alleging and pretend-

ing, that they have been cheated in the purchase of their lands, and that it may not be cause of their committing hostilities in this province. God preserve your excellency many years. St. Augustine of Florida, 3d September, 1811. Most excellent sir.

JUAN JOSE DE ESTRADA.

His excellency, the Marquis de Someruelos.

Attest:

GEO. GIBBS, *Clerk.*

By K. B. GIBBS, *dep. clerk.*

No. 11.

Testimony offered by the United States, objected to by counsel for claimants, but received subject to objection.

Being the testimony of James Hall, Jacob Summerall, Samuel Worthington, Britton Knight, William H. Ward, Daniel Hulbert, Anthony Rutant and Francis P. Fatio, taken in the case of F. M. Arredondo, and others, vs. the United States, as follows:

Superior court, East Florida.

THE UNITED STATES, }
ads. }
VILLALOBOS AND FOUGERES. }

Land claim 16,000 acres.

The testimony which follows is a part of that which was taken in the case of F. M. Arredondo and others vs. The United States, and by agreement of parties to be received in evidence in this case, on the same footing as it was received in the said case of Arredondo vs. The United States.

Offered by U. S. attorney, as follows:

James Hall, sworn as a witness in open court on behalf of the defendant, states: that he has resided in East Florida thirty-two years next March; that he has generally understood that there was a boundary established between the British Government and the Indians, by treaty; but with respect to that boundary, as to where it can be found, he knows nothing, except what he has heard from Mr. Cohen; and he cannot say that any thing was said to him by Mr. Cohen on that subject, till since the transfer of the country. Witness states, that he has lived at the place which he now occupies on the St. John's river, about ten or twelve miles above the Cow ford, and fifteen or sixteen miles below the mouth of Black creek, on the east side of the river St. John's, twenty-one years. Witness states, that previous to 1812 the Indians had possession of the country to the west of St. John's and south of Black creek, but that in 1812, the country was invaded by an armed force from Georgia, headed by Col. Mumin, and subsequently, early in 1813, by a body of troops belonging to the United States, commanded by Colonel Smith of the American army; the Indians were broken up by these invasions, and left the district of country spoken of. The witness says, that by the country of which he speaks, he means the Alachua country; its boundary he did not know, but he understood the Indians lived in it, and were driven

out as stated above in 1812 and 1813, and he did not understand that they returned to the country again till after the invasion of Florida, in 1818, by the troops under the command of General Jackson; after they were broken up at Negro fort, the witness has understood that some of them came back again to the eastward, and he understood that a few of them fixed themselves in Alachua county again, in the Black Hammock, but principally settled in the woods near to Dexter's, at a place called Volusia, on the east side of St. John's river; they were in fact scattered over the country, even to St. Augustine. Subsequently to the invasion of this country by the party under Colonel Smith, as the witness thinks in 1816, it might have been in 1815, the country was again invaded by a party under the command of a person, called General Harris, from Georgia; this party was made up of people some few of whom belonged to Florida, but principally from Georgia. General Harris was killed in the country at this time, 1816, by a small party of Indians, consisting of two or three, and one negro. The witness states, that between the time of the invasion of the country by Colonel Smith, up to the time of the death of General Harris, it had been disturbed by repeated marauding and plundering parties, who stole the cattle and horses belonging to the Indians, and carried them off and sold them. The witness also states, that previous to 1812 and '13, the Indians were possessed of very large stocks of cattle and horses; a few of them, as he was told by the Indians themselves, owned stock consisting of one or two thousand; and Bowleg's sister, of upwards of two thousand. Witness has understood, that Harris's party soon after his death left the country, and as witness has understood, the reason was, because they could not get supplies of provision. Witness states, that he considers that it would have been dangerous for any white man to have gone into the Alachua country subsequent to Harris's death, till after the exchange of flags.

Cross examined by counsel for claimants.

Witness states, that he understood that all the Indians at the Mickasooky towns, and at the Suwanee, by the invasion of General Jackson, were driven to the eastward and southward, across the Suwanee, and these Indians were dispersed through the country. Witness states, that he thinks it would have been dangerous for Spanish people, at the time spoken of in his testimony above, to have gone and settled in the Alachua, but not as dangerous by any means as for Americans, as there was a better understanding between the Spaniards and the Indians, than between the Americans and Indians. The witness states, that the Floridians who joined Harris's expedition, were considered by the Spanish Government as outlaws, and would have been so treated, if the Government could have got hold of them. Witness states, that he supposes Black Hammock, spoken of by him in his testimony, is the same as Big Hammock, or Big Swamp, and lying westwardly and southwardly from Dexter's place, so called at Volusia.

Nov. 24th, 1829.

Jacob Summerall, sworn as a witness in open court on the behalf of

that Alachua, when I was a native of East Florida, and have lived on the St. John's, the St. Mary's, and now in Alachua county, near the Natural bridge of the Santa Fe, where I have lived for the last five years. I have always lived in East Florida, except about two years in Georgia—believe in 1815 and 1816; was in Florida occasionally during these two years, but Georgia was my home. Witness states that it was in the latter part of 1812, or the beginning of 1813, Col. Numin went into the Alachua country with a party of armed men under his command—the party exceeded a hundred in number—perhaps there were an hundred and forty. Witness belonged to the party, but was taken sick at Kingsley's plantation, called Laural grove, on the St. Johns', and did not accompany the party beyond that place. Witness knows that a party of American troops, under the command of Colonel Smith of the army, and Colonel Williams of Tennessee, who commanded the Tennessee troops, about two hundred in number, the whole command being stated at five hundred, also went into the Alachua country, some time in 1813, after Numin's invasion. Witness cannot state the precise time. Witness was at this time of the party—acted as pilot for the United States troops; this party destroyed the Indians and their villages, and their corn, and every thing they could get hold of—burnt every thing up that would burn, including their corn, except what the party wanted for their own consumption. The principal villages destroyed at this time were one near the Alachua prairie—another about twelve miles southwestwardly at the Wasshooty—this was Bowlegs' town; and another, between these villages, south of Alachua prairie; there were other small villages destroyed in other places. The witness says, when their villages were destroyed, all their horses and cattle in the power of the party to collect were taken and driven away from the country by the party, and hogs were killed, that could not be brought away, merely to destroy them. Witness thinks that, in the early part of 1814, a party, under the command of a person called Gen'l Buckner Harris, also invaded the Alachua country; the witness cannot state the number of which this party consisted; thinks it exceeded a hundred; it was composed of persons called patriots from the United States, and some of them from Florida. General Harris made his first stand, and built a block-house, at the east end of the Alachua prairie; he did not stay there himself, though he was frequently there, but he had gone off to another place to settle a plantation, where he was killed; during the stay of this party in Alachua, (it left towards the latter part of 1814,) parties of Indians were still ranging the country; and witness has been told that a settlement remained, not broken up during all this time, at the junction of the Itchnetuhue with the Santa Fe. The witness states that this settlement at Itchetuckre, he thinks, is about thirty miles northwestwardly from the Alachua savanna. Witness states that the party of Harris's kept dropping off till they finally all left the country; they left on account of difficulty in getting provisions, and the party becoming quite small. Witness supposes they must also have been afraid of the Indians; witness states that, after the breaking up of the country in the manner mentioned, and the desola-

tion of the Indian villages and their property, by Colonel Smith and Colonel Williams' party, there were still considerable numbers of cattle ranging the country, but without any persons having them in charge, or exercising control over them; and the cattle were in this situation when the district was invaded by the patriot party, of which witness was one, under the command of Harris. Witness, after Harris's party left the country, was again in the Alachua several times before the exchange of flags. Witness is unable to state whether he was in the Alachua, between the time of its invasion by Harris, and the attack made upon the Indians at the Suwanee by the troops belonging to General Jackson's command; he did not notice the time sufficiently to be able now to recollect, but he thinks it was during the time he lived in Georgia, in the years stated above, and that was between 1814 and 1817; at the time of these visits, witness found Indians about the Alachua, and all through the country. Witness has since become an inhabitant and resident in Alachua county; he moved his hands there in 1823, as nearly as witness can recollect, and moved there himself, and family, in 1824; at this time he found Indians living in the country, and settled about the Alachua. Witness saw a settlement at this time at a place then called Clapboard town, lying in what is now called Hog town. Witness cannot state the distance of this town from the prairie, cannot state the distance to Clapboard town, but it is nearer than San Felasco. The witness states that [there] were not many Indians at this Clapboard town, but there was a considerable number at San Felasco, where Roman Sanchez now lives. Witness supposes, about twelve or thirteen miles from the prairie, there was also a considerable settlement at Itchetucke at this time; these Indians, witness states, remained at these places till, under the treaty of Camp Moultrie, they went where they are now settled within the present Indian boundary. The witness understands there was a boundary between the Indians and the Spanish, at least the Indians always claimed it, commencing at a little creek called Black creek, on the St. Mary's river, running from that place to the head of Black creek, emptying into the St. John's; and that it ran thence, as witness supposes, down Black creek to the St. John's river, and thence up the St. John's; the Indians claiming the country south of Black creek, and west of the St. John's.

Cross-examined by claimant's counsel.

Witness states that Clapboard town lies north of the prairie; and witness supposes in a southeast direction from San Felasco. Witness states that his objects in these visits, subsequent to the invasion of the country by Harris' party, was to get Indian cattle wherever they could find them in the country, and to drain them off. The Indians were in the habit of stealing our cattle and horses, and we thought proper to return the compliment; getting theirs, there was a warfare carried on between us, and we killed each other whenever we met. This state of warfare was continued till the change of flags. On these visits we went always armed, to protect and defend ourselves; and the parties on scout were

[illegible] about six or eight, generally about twelve; sometimes consisting of thirty or forty.

The testimony of this witness, so far as the same relates to the Indian boundary, is excepted to by the counsel for the claimants, but admitted by the court.

Nov. 24th, 1829.

Samuel Worthington, of Alachua, sworn as a witness, in open court, on behalf of the defendant, states, that he belonged to Harris' party during the time it remained in the Alachua country; there were parties of Indians about the country. Witness did not see them, but understood it was so, and was sometimes in scouting parties that went in pursuit of these, but never overtook any of them; on one occasion got three horses supposed to belong [to] a party we were in pursuit of. Witness states that Harris' party went into the country in the very last of 1813, or the first of 1814; and the last of the party left the country in July or August following. Witness thinks Harris was killed about a month before the party left there; he was supposed to be killed by Indians. I was stationed in a block house in Hog Town at this time; our party consisted of about thirty or forty. Harris was killed at a place south of us about twenty-five miles, or between twenty and twenty-five miles; there was another block house near to the north side of the prairie; but when it was learnt that Harris was killed, this block house was left, and the whole party gathered into one party at Hog Town, which then amounted to thirty or forty. After the evacuation of Harris' party, witness was not again in the Alachua country till 1824, in the latter part of the year; it might be the first part of the year 1825, but witness thinks it was the last of 1824. Witness found Indians at this time living at San Felasco, but they were then preparing to remove within the present Indian boundary; these Indians lived at San Felasco, in houses which, from their appearance, might be three or four years old; they had cultivated fields, equal to a smart plantation. San Felasco, according to the best judgment of the witness, is twelve or fourteen miles to the north and nearest point of the prairie. The witness states this distance from conjecture, and from having travelled through the woods, when he belonged to Harris' party, frequently; the road which is now cut through it the witness has never travelled, nor does he know that it has been measured. Witness has lived in Florida, with the exception of one year, ever since 1812. Witness states, that in 1812 he joined the Patriots at St. Mary's river, and came on to the plains near to St. Augustine; that at the end of four months, as near as witness can recollect, he joined a company commanded by Captain Nealy, a volunteer company; that in this company, belonging to the command of Col. Smith, he remained till March, 1813, and was paid, during this time, by the United States' paymaster, for his services, by the month—first part of the time at five dollars, and the latter part of the time at eight; that, during the time that he belonged to Nealy's company, he was allowed to volunteer into, and to go with, Nunis's party into the Alachua, and, after he came back, he [illegible]

paid for the whole time he was with Nunis's party by the United States. After he was discharged from Capt. Nealy's company by Lt. Bailey, in March, 1813, witness lived at St. Mary's till Harris' party was collected; after Harris' party was dispersed, witness lived in Georgia, upon the St. Mary's, and lived after that in Florida, upon the St. Mary's; lived on the St. Mary's in several places, till he went into the Alachua country in 1824. Witness has always understood that the prairie was called Alachua prairie. Witness states, from the time Nunis's party went into the country till the exchange of flags, the country was in a continued state of disturbance from the marauding parties of the whites or of the Indians. Witness did not see this, but understood so at the time, and knew four or five men, that belonged to a party that went out in 1817 or '18, that were killed. Witness states, that he has always understood, ever since he arrived in the country, which was in 1811, that the Indian boundary was as stated by Mr. Summerall in his testimony, to wit, commencing at Little Black creek, on the St. Mary's, and running to the head of Black creek, emptying into the St. John's; thence down Black creek to its mouth, and up the St. John's. Witness does not speak Spanish, and has never heard any Spanish people speak of this boundary; he derived his information respecting it from the people who lived on the St. Mary's, the St. John's, and by the Patriots. The witness states that his information was derived altogether from those people called Patriots, except from a party of workmen upon Little Black creek, who told him the same thing eight days before he joined the Patriot party under McIntosh; this party consisted wholly of Americans, but supposes Underwood, one of the number, was a Spanish subject. The witness states that the boundary was a subject of frequent conversation, as those who wished to settle were unwilling to go within the Indian limits, as it was generally understood the Indians would not permit the settlement of whites within their limits; these limits include the country south of Black creek and west of St. John's; the Alachua is in the district of country spoken of by him above.

This testimony of this witness, so far as the same relates to the Indian boundary, is excepted to by the counsel for the claimants, but admitted by the court.

November 25th, 1829.

Britton Knight, sworn as a witness in open court, on behalf of the defendant, states, that he came to East Florida in the year 1807, and has resided here ever since; that he belonged to the Patriot party; was under McIntosh; that the Patriots were promised five hundred acres of land each, and warrants, in some instances, were given to them before they went into the country; soon after they were told this was done under the authority of the United States, and that the lands were to be guaranteed to them by the United States. McIntosh was attended by a body of United States troops; but, according to orders, United States troops never preceded the Patriot troops, but they kept very close together. Witness did not accompany this party into the Alachua; first entered

Alachua, with Harris' party in January, 1814. Harris took his first station at the northeast end of the prairie, and remained in the Alachua country till the August following. Harris himself having been killed, sometime during the stay of Harris' party in the country, the Indians in parties were still ranging through it, but, when discovered, were pursued and driven off by the American or Harris party; their station seemed to be to the south, toward the Suwanee. We did not burn up their villages; Tennesseeans had burnt them up before. But there was one village standing, called Sugar town; whether there were any Indians in it witness cannot say, but there were negroes; we caught several of them, and carried them and sold them in the camp, and they were carried out of the country — supposes to Georgia; this Sugar town, witness understands, was a little to the west of Orange lake; witness supposes something like 20 miles to the south of the prairies.

Witness says that he went through the village with a detachment of Harris's command, looked like an old village, the party as they approached was discovered, and those that inhabited it fled; they overtook some negroes, but saw no Indians. Witness was not again in the country till 1823, when he went and settled at Alachua, at Hog town; at this time Clapboard town, so called, because the huts were made of clapboards, consisted of three or four clapboard huts, and of four Indians with their families; it was a new village, the huts probably built that year; they had made some corn there that year; in 1824 they left the place, as did also the Indians at San Felasco, and went to Big swamp. I saw San Felasco after the Indians had left it; did not look as new as Clapboard town from what I saw and heard, and learnt of a particular gathering; supposes there may have been twenty heads of families there, but witness don't know but that some of them came from and belonged to Ichetucknee; there was a smart chance of houses there, but less than twenty; might have been that number, but did not count them. Witness is not able to state any thing about the country between the time of Harris's invasion and 1823, when he became an inhabitant, but has heard that in the interim Indians were roaming the country, and patrol parties went into the country to get cattle; a party of this description were principally killed by the Indians in 1818, as witness understood. Witness says that as to the Indian boundary, he understood that it commenced at the mouth of Little Black creek, run from thence to the head of Black creek, emptying into the St. John's, down Black creek to the St. John's, and up the St. John's, including the country south of Black creek, and west of the St. John's. Witness says he was in St. Augustine, in 1809, with Oliver Smith, an inhabitant and Spanish subject; that Smith's object was to memorialize for and obtain a tract of land in that country, described by witness as in the Indian boundary; he was with him at Governor White's, and the Governor told him he could not give him land there, because it was within the Indian boundary, but that he might take land elsewhere. Witness states that he heard of and always understood the boundary as he has described it from the conversation of the people on the St. Mary's, and so known to the St. John's

then he never heard the boundary doubted; the people near whom he lived & were generally patriots, but some of them were also Spanish subjects, but not Spaniards; he heard it so well before 1812, the commencement of the patriot operations, as at that time and afterwards.

The testimony of the witness, so far as the same relates to the Indian boundary, and the refusal of Govr. White to grant land to said Oliver Smith within said boundary, is excepted to by the counsel for the claimants, but admitted by the court.

Cross examined by counsel for claimants.

Witness states that he has been at San Felasco since the Indians left there; that it has been altered by Roman Sanches, who bought the improvements there from the Indians, as he was told. The Indians at Clapboard town belonged to Hick's party, as he understood. Witness says that at the gathering which he spoke of, he understood there was as many as twenty Indians, but can't say they were twenty heads of families, or that they all resided at that place. Witness says that when he returned to Alachua, in 1823, there were no other settlements he heard of or knew, about Alachua, than Clapboard town, San Felasco and Ichetuckne, which he has heard of, but did not see. Witness says that by Alachua country, he means all the country south of Black creek, and west of the St. John's, to the Suwanee; this was understood by the Americans, but witness has learnt the name Alachua by the Indians, meant only the Savanna, which, in the Indian language, is the same as jug in the English, and was so called by the Indians, because the water sinks into the ground near the lower end of the Savanna and prairie, as water sinks into a jug; and San Felasco, the witness, understood, imports in the English language a *bottle*, the water there also sinking into the ground in the same way. The San Felasco Indians belonged to Hick's party, and which were settled at Clapboard town, and at San Felasco, had not formerly, and in 1812, belonged to the Alachua, or to any party of Indians resident in that vicinity; they lived west of the Suwanee, till broken up by General Jackson, in 1818; the Indians that had formerly lived and about Alachua, were Payne's and Bow Legs' Indians, but Payne's, particularly, lived in Alachua about the prairie, and these witness has understood were also nearly destroyed by the inroads made upon them in 1812 and 1813, and particularly by Nunin's party; this he has been told by the Indians also, and that there are but few remaining, and that he did know that these Indians *ever* came back; what became of them witness don't know, their towns were vacant when he came back to the country in 1823. Witness understood they were at the Big Swamp; Hick's party, Payne's and Bow Legs', were all called Seminoles, and when in a state of war were under the control of Hicks, he being the greatest chief. Clapboard town is fifteen miles from Levy's, and six miles from the nearest point of the prairie; San Felasco is twenty-two miles from Levy's, and sixteen from the nearest point of the prairie; Itchetuckne is a more distant place than San Felasco, witness thinks it is fifteen or twenty miles more distant, but witness can't speak

with certainty of the distance. Witness states that if there had been any other settlement of Indians near to the Alachua savanna, or as near as those he has spoken of, he thinks he must have heard of them. Witness states that Clapboard town is without the supposed limits of the Alachua grant, and witness lives within the supposed limits two hundred and fifty yards. Witness states that Big swamp is within the present Indian boundary, and witness thinks that the nearest limit of the Indian boundary is about twenty-five miles from the nearest point of the prairie, a part of Wacahooty, formerly called Bow Legs town, witness understands is within the limits of the Arredondo grant. Witness says that he has understood that the Indians who inhabited about the Alachua had large stocks of cattle, has seen large herds come from the hammock into the prairie, he supposes there may have been a thousand at a time; this was in the patriot times when he was with Harris; he saw no cattle there when witness returned to the country in 1823, but was over the ranges repeatedly, and should have seen them, he thinks, if there had been any; but the Indians, as he understands, and so he understood both before and since the transfer of the country, finding that the whites, when they invaded the country, were in the habit of taking and driving away their cattle, concluded that the possession of these cattle was the cause of the attacks and troubles to which they were subjected, and went themselves and killed their cattle to be relieved from these troubles in future.

November 25th, 1829.

William H. Ward, sworn as a witness in open court, on behalf of the United States, says, that he became a resident of Florida, in Alachua, in 1823; had before that time been an inhabitant of Georgia. Witness came from Georgia into Alachua, and joined Harris's party soon after it went into that country, and remained with it till it left there. During this time, when not in detached parties from their main command, we found parties of Indians also ranging the country. Witness found no settlement where they lived, but understood from others of the command, that the place at Itchetuckne was occupied by the Indians at that time. There were considerable number of cattle in the country at this time, but witness did not see many horses. The last of Harris's party left the country in July or August, 1814, as well as witness can recollect. After Harris's party left the country, witness was repeatedly, perhaps every year up to 1818, in the country with parties that entered it to obtain cattle and kill Indians; the same thing was done by the Indians; they even crossed the St. Mary's into Georgia, and took cattle and killed the whites. Witness says, that in making their incursions they found Indians in the country hanging about apparently to drive off cattle, and especially in 1818, the country appeared to be filled with them, but found no settlement except a small clearing in the Big Prairie hammock, near the Savanna. At this clearing we found no Indians, but found some encamped about two miles from there. Witness saw no house or hut at the clearing, or elsewhere about there, but it was a new clearing, and a fence was commenced; can't state how large the

clearing was; might have been half an acre; might have been larger; can't say; skirmishes frequently took place between the whites and Indians, and at the time in 1818, when the clearing was discovered, six of our party was killed, and two wounded. Witness still found numbers of cattle in the country in 1818, but not as many as formerly; it appeared that the Indians were driving them off; we discovered the trails of cattle going towards the Suwanee to the west, and also trails towards the south; he found cattle also shot down; all of which we supposed must have been done by Indians, as there was no other whites there but our party; in 1823, when he went to Alachua, he learnt that there was an Indian town between Picolata and the head of Santa Fe, as witness supposes south of Bellamy's road. Witness saw some Indians in Alachua that said they belonged there; witness, from his understanding, supposes it was about 12 or 14 miles from St. John's, and seven or eight miles from the head of the Santa Fe; understood that there was considerable number there in 1823. I first heard this time in the year 1821 or '22, from William Daniels, while living on the St. Mary's, that Payne was killed in Nunin's battle, and Bow-Legs, as witness understood, succeeded to the command of the Alachua Indians; after this, Bow-Legs went over the Suwanee to a place called the Clay hills, as witness has been informed, and that after the Indians were broken up on the other side of the Suwanee, by General Jackson's command, he has understood that Bow-Legs crossed the Suwanee back again, but where he went witness does not know, and don't recollect that he has heard. Witness says, that he was in Hog town in 1823, it might have been later; he heard of the settlement of Clapboard town and San Felasco, but saw no Indians at Clapboard town, but saw the chief of the San Falasco village at Hog town; he heard of no other settlement any where about the Alachua. Witness states, that the Indian boundary is the same as the other witnesses state, and that he has always heard of it when he has heard any thing about it, ever since he was a boy; he has frequently heard it spoken of, and the Indians would not suffer people to settle within this boundary, as witness has understood.

The testimony of this witness, so far as the same relates to the Indian boundary, and so far as the same relates to the Indian town between Picolata and the head of the Santa Fe, is excepted to by the counsel for the claimants, but admitted by the court.

November 30th, 1829.

Daniel Hulbert, sworn as a witness in open court, on behalf of the defendants, states, that he has resided in this town (St. Augustine) since 1802, but followed the sea until 1821; but that ten years of that time he resided here constantly. Witness became a Spanish subject immediately on his arrival here in 1802. Witness states, that in 1808 he and one Bushnell applied to Governor White for permission to cut cedar on the west side of the St. John's, and to the southwest of Black creek, and that Governor White refused to grant them permission to cut timber there, alledging that it was within the Indian boundary, and beyond his

jurisdiction; but the governor gave them permission to cut on the east side of the St. John's. Witness states, that at the time he applied to Governor White for permission to cut timber, the governor showed him a map on which the Indian boundary was marked, and that the place from which he asked to cut timber was within that boundary, and that the governor told him that the boundary was the same as when the province belonged to the British, and that it had remained so 'til the time of which he spoke. That before McIntosh's revolution, the Indians occupied, and had large stocks of cattle in, the Alachua country. Witness states, that after the revolution they were pretty much broken up, and rambled about the country, and their cattle were stolen in large droves, as much as 3 or 400 at a time, by the Americans, from across the St. Mary's, and on this side too.

Witness adds, that the Spaniards did not dare to venture into the Alachua country to make settlements till after the exchange of flags. Witness states, that he always understood that the Indians claimed the Alachua country; that he has understood so since they were broken up in 1812, '13, and '14; that they came back into the country after that, and collected horses there, and made some settlements, but whereabouts those settlements were made, witness cannot say. Witness states, that Governor White died in this city in 1811.

Cross examined by counsel for claimants.

Witness states, that he understood that the Indians, after the disturbances in 1812, and '13, and '14, still persisted in their claim to the country, because he understood they came back to it, drove off Harris's party, and killed Harris, and occupied it again as he has stated it above; and there were no other settlements in the country at that time but Indian settlements; and that the witness also understood it from the common report of the people of the country. Witness also states, that he has heard the same thing stated by the Indian traders. Witness states, that he has had such an understanding of the Spanish language for the last twelve years as to understand common conversation; has not understood it longer.

The claimant objects to the testimony of Capt. Hulbert, so far as it states what Governor White *said* was his reason for refusing to permit the witness to cut cedar on the west side of the St. John's, above Black creek, because it is hearsay of a particular fact, by which representation cannot be established; and also as to what the witness states Governor *White said* about the Indian boundary, as hearsay; and also on the ground that the whole of his testimony, above mentioned, is irrelevant to the issue. The claimants also object to Mr. Hulbert's testimony, as to what he heard certain Indian traders say, as to the Indian claiming the Alachua country, because it is hearsay.

November 30*th*, 1829.

Anthony Rutant, sworn as a witness in open court, on behalf of the defendant, states, that he went to Alachua as an associate of Mr. Levy, from St. John's river, in July, 1822, to settle a piece of land there claim-

ed by Mr. Levy; that some of the Indian chiefs came to him, after he had been there for a few days, and told him, that they had previously told him, at the St. John's, not to come into the Alachua country to settle there; one of these chiefs was Micanope, another of them was called Juniper; he heard that others among them were chiefs, but whether they were so does not know. Micanope told him that that place was theirs, the Indians; that the bones of their ancestors lay there, and that he would suffer decapitation before he would give the place up. He was at this time at the house occupied by Mr. Wanton; at the distance of eight miles from Mr. Wanton's, on the road from Wanton's to Big swamp, he passed through an Indian negro village. Witness states that he understood Mr. Wanton's house was at the centre of the Arredondo and son's grant. Witness says that the same Indians who met him in Alachua in July, above stated, had, in June previous, been to the place then occupied by him, called Hope hill, on the west bank of the St. John's, and told him that that place was theirs, but as they were pleased with him, they would permit him to remain; but that they had heard that he was preparing to go to Alachua to settle, and they forbid him to do so. Witness went to Alachua again in the month of February, 1823; he then saw some Indians going about, but they said nothing to him.

Cross examined by counsel for claimants.

Witness states that he settled at Hope hill, in the beginning of March, in 1822, that the same Indians had visited him several times before the visit in June, but they said nothing about their claim, except the first time, when they were intoxicated; they then told him they owned the land where he was. Witness states that he has suspected that the Indians were induced to say what they did to him by a white man, but is not certain, and that on the two occasions mentioned by him, when the Indians declared Hope hill to be theirs, they had come from this person's place. Witness says, that when they did not come from that place, they were quiet, and said nothing on the subject. Witness states that he has understood that there was an altercation, but did not know the particulars of it, between that person and Mr. Levy. Witness states that the person and himself, as the associate of Mr. Levy, had goods to dispose of to the Indians, and that none could be purchased in that vicinity but of those two, and that liquor could be obtained only from this person. Witness states that his design of going to Alachua had not been mentioned to the Indians by him; does not know that the person referred to by him knew of it. What the Indians said in March to witness, was reported in English by an Indian to a young Frenchman present, who understood English, and by him interpreted in French to witness; and what was said in June to him was interpreted to him by an Indian negro who understood Spanish, which witness himself understood. Witness supposes the person referred to had great influence over the Indians.

Examined by counsel for United States.

Witness being inquired of by counsel for the United States, who the

person was to whom he has referred, as suspected by him, to have instigated the Indians to the course they took, as stated by him, replies, that as it is mere suspicion with him, he is unwilling to name him, and the inquiry was thereupon no further insisted on.

Witness states, that at the interview of the Indians and the witness at Alachua, an Indian negro interpreted for him, by the name of Abraham, so far as witness can recollect, who came with Micanope. Witness states, that at the time the witness went to Alachua, to settle there, in July, 1822, there was at Mr. Wanton's place, Mr. Wanton, his children, a colored woman, and two men that Mr. Levy had sent there, and himself; he did not know or hear of any other settlements there.

The counsel for the claimants object to the testimony of Mr. Rutant, as to what he heard from, or what was told him by the Indians, because it is hearsay, including all that the said Indians said to him about their having a claim to the Alachua country, for the same reason, that it is hearsay; also to all his testimony of information collected from rumor and report.

December 2d, 1829.

Francis P. Fatio, sworn in open court as a witness, on behalf of the defendant, states, that in 1774 or 1775, he understood at that time, and has since understood, that a talk or treaty was held by Governor Tonyn with the Florida Indians, at the Cow ford, for the purpose of agreeing upon a line of demarcation between the Indians and the British, or of recognising one previously established. Witness states that his impression is, and the general impression was, as it was talked of publicly of, and at the time, and afterwards, that the boundary agreed upon or recognised at this time, run in a direction north and south, and nearly parallel with the St. John's, about fourteen miles, more or less, west of the St. John's, in the neighborhood of Black creek. Witness has no impression as to the northern or southern limit of this boundary. Witness lived about fourteen miles below the Cow ford, at the time of this talk, and was then in his thirteenth year. Witness says his father was at the treaty, staid there but one night he believes.

Cross examined by counsel for claimants.

Witness states that he left the country in 1782, went with the British regiment to which he belonged, into the Carolinas; when peace took place, went to England, and did not return to this country till the latter end of 1793, and has lived a resident of it since that time.

No. 19.

Offered in evidence on the part of the United States, and received, subject to objection.

Testimony of Antonio Alvarez, taken in the case of Elizabeth Wiggins vs. the United States.

Superior court, East Florida, July term, 1833.

ELIZABETH WIGGINS, vs. THE UNITED STATES. } Land claim, 300 acres.

July 20, 1833.

Antonio Alvarez, keeper of the public archives, sworn as a witness in open court on behalf of the said claimant, states:

That his age is forty-two years, and was born in this city, and that he has constantly resided here, and has sometimes been abroad, but considered this his place of residence; was absent at one time for eighteen months. Witness states that he was employed as a clerk in the government secretary's office here, during the Spanish government, from the year 1807 till the year 1821, during which time he was absent twice, once in 1809 and '10, and at another time in 1814 and '15. Witness states that the government secretary's office was kept, in 1807, '8, and '9, by one Juan de Pierra, and after that time by Thomas de Aguilar, who continued at the head of that office till the cession of this country to the United States. Witness states, that persons wishing grants of land from the Spanish government, presented a memorial to the governor, and he decreed on the memorial, and that decree of the governor was filed in the office of the government secretary, and constantly retained there. Witness states, that when the decree of the governor ordered a royal title to be issued, the decree was transferred to the escribano's office, but when the decree did not order a royal title to be issued, the decree remained in the government secretary's office, and, in either case, the grant remained in the possession of the government. Witness states, that the evidence given to the grantee on the making of a grant, was a certified copy of the decree, or of the memorial and decree, by the government secretary. Witness states, that to obtain a royal title, a second memorial and decree was necessary, which went into the escribano's office, in which office royal titles were made. Witness states, that it was one of the ordinary duties of the government secretary to make certified copies of memorials and decrees, which copies were made for the use of the parties. Witness states, that it was generally the case, that the decree of the governor directed a copy of the decree and memorial to be made, for the use of the party; it was not always the case, but it was generally done, after Governor White's time. Witness states, that according to the usage and practice of the Spanish government, copies made by the government secretary, and certified by him, would be received as evidence of title, in the Spanish courts of justice; in speaking of these copies, witness has reference to copies made in the government

secretary's office, which are not called duplicates, but copies. Witness states, that these certified copies of the memorial and decree were made immediately on the making of the grant, and delivered to the party when he called for them. Witness states, that it was not the practice of the government secretary to annex seals to his certificates; the escribano always affixed a seal to his certificate, which was made with a pen, and the secretary of the government had no such seal to his certificate. Witness states, that he is well acquainted with the handwriting of Thomas de Aguilar. Witness states, that on the transfer of this province from Spain to the United States, the papers in the offices of Mr. Aguilar, the government secretary, and Mr. Entralgo, the escribano, were taken possession of by the government of the United States. Witness states, that according to the usage of the Spanish government, the parties had no right to the original title papers; they remained under the charge of the proper officers.

Examined by United States attorneys.

Witness states that he does not recollect of a certified copy of a grant being received in evidence in a Spanish court of justice, where the original was not on file in the proper office, and from his knowledge of the practice of the government, he does not believe that such a copy would be received in evidence in a Spanish court, unless the party could prove that the original was in the office at the time the copy was made. Witness states, that he does not know that he ever heard of a copy of a copy of any document being received in evidence, in a Spanish court of justice; it might depend upon some circumstances, however, which might alter the case. Witness believes that a copy of a copy, properly authenticated, and regularly filed in the proper office, would be received in evidence. Witness thinks that he has seen the copy of a copy, where it was regularly authenticated, received in evidence in a Spanish court; for instance, where the copy of a power of attorney, executed in the Havana, was filed in the escribano's office here, a copy of that copy would be received in evidence in any court of the province, and the impression of the witness is, that he has seen such copies received in evidence, in the court of which the escribano kept the papers, and there was no office in which judicial proceedings were kept but the escribano's office. Witness states, that it is his belief, that if it were known that there was no original of this power of attorney in the Havana, that this copy of the copy would not be received in evidence, unless the party could prove that, at the time the copy was made, the original was in the proper office.

Examined by claimant's counsel.

Witness states that he considers a certified copy by the government secretary as evidencing whatever was contained in that copy, and that he understands the certificate of the government secretary, as evidencing all the facts to which it certifies. Witness states, that according to his understanding of the Spanish law, in this province, the certified copy of the government secretary was evidence of the memorial and the decree of the governor, as set forth by such certified copy; and that if the gov-

ernment secretary's office here had been burnt, these certified copies by the government secretary would have been received as evidence of the party's right to the land granted. Witness states that he considers that, according to the Spanish law, the certificate of the government secretary would be received in all the courts as evidence of the facts contained in it. Witness states, that if the original memorial and decree had been in any manner lost, or destroyed, or abstracted from the office, that he considers that a certified copy by the government secretary would be received as evidence of the making of the memorial and decree; that he means the certified copy given to the party at the time of making the memorial and grant, or before the loss of the originals, while he had them to make the certified copies from. Witness states, that the papers in the secretary's of the government's office, at the time of the cession, were taken forcibly by a person, sent by the American commander here, whose name he does not recollect; they were taken from the secretary's office, in the governor's house; that after they were thus taken, they were some time at the old custom-house, and supposes some person had charge of them while there, but don't know what person. Witness thinks there was a commission appointed to examine these papers, and that Mr. Lynch, Mr. Reynolds, and he believes, Mr. Anthelm Gay were on that commission. Witness thinks five persons constituted that commission; does not remember the names of the others. That the object of that commission, as witness understood, was to select the papers which, according to the treaty, the American government claimed; that these papers, after they were taken from the custom-house, were put into an office, in the lower part of the building now occupied as a court-house, and were kept there by a Mr. Law. Witness does not know how Mr. Law kept these papers; don't remember to have seen them about the floor; was not in Mr. Law's office much; from Mr. Law, these papers went into Mr. Tingle's possession; from Mr. Tingle's possession, to Mr. Reynolds'; from Mr. Reynolds' possession, to Mr. Murphy, and from Mr. Murphy's possession to that of the witness, as keeper of the public archives; and that some of these papers, while in the possession of Mr. Reynolds, were delivered to Doct. Gibson and Doct. Simmons. Witness states that a number of boxes of papers, belonging to the archives, were delivered to the witness, as keeper of the public archives, by the United States marshal for this district; there was an inventory of these papers delivered by the marshal, made by Mr. Reynolds and witness, and he does not know whether that inventory contained all the papers in those boxes or not. Witness states, that he believes that the original memorial and decree to Elizabeth Wiggins, in this case, is not now to be found in his office, as keeper of the public archives.

Examined by United States attorneys.

Witness states, that when there was no original grant to be found, a certified copy would not be received in evidence, unless the loss of the original was proven, or accounted for. Witness states, that he was a clerk in Mr. Aguilar's, the government secretary's office, and had access to the

papers in that office, and has searched for papers in that office, when he was so directed by the secretary, and found the papers in good order, and carefully preserved. Witness states, that it is not within his knowledge that any original grant or concession was withdrawn from the papers office of the archives, during the Spanish government. Witness has seen some originals out of the office of public archives, since the change of government, but does not know how they got out, or that they were ever in the office of the archives; and some of these originals are now on file in the office of public archives, having been deposited there by the register and receiver, before whom they were filed by the parties. Witness states that there are one or two books in the office of the archives, of the proceedings of the first commissioners appointed to receive these papers, and it is the impression of the witness, that these commissioners did not make a list of the grants received by them, but he thinks they made a list of the bundles received by them. Witness states, that when these papers were delivered to Mr. Reynolds, I believe there was a list of the memorials and grants of land made.

Examined by claimant's attorney.

Witness states that these papers came into the possession of Mr. Reynolds, in 1823. Mr. Reynolds was appointed keeper of the public archives by the governor, or governor and legislative council, that met at Pensacola in 1822, and Mr. Reynolds, on his arrival from Pensacola, immediately took possession of these papers, and the impression of the witness is, that he, Mr. Reynolds, received these papers from Mr. Tingle, they having already been in the possession of both Mr. Law and Mr. Tingle. Witness states, that these original grants, which he has spoken of as being deposited in his office by the register and receiver, ought to have been in the government secretary's office; it was the usage of the Spanish government to file them in that office. Witness states, that he does not recollect of any case, in which a certified copy, made by the government secretary, was ruled out by a Spanish court, on a suggestion that the original was not in the proper office.

Witness states, that certified copies of memorials and decrees were given to the party, as evidence of his grant.

Examined by U. S. attorneys.

Witness states that he does not recollect of any case having occurred, in which it was decided that a certified copy made by the government secretary was ruled out by a Spanish court, on a suggestion that the original was not in the proper office; does not recollect of any such case occurring. Witness states that he does not recollect a case in which a copy was offered in evidence, where the original was not in the proper office.

JULY 26th, 1833.

Antonio Avarez again called and examined by claimant. On witness being requested to refer to the original certificate of Aguilar, attached to the copy of the memorial and decree in this case, and brought into

sheet by the said witness under a subpœna duces tecum, and state whether the said certificate is not in the usual form of such certificates. The witness answers it is; and on further inquiry being made, the witness states, that the signature, "Tomas de Aguilar," attached to said certificate, is in the handwriting of Thomas de Aguilar, late secretary of the Spanish government in this province.

Question. Has or has not application been made at your office, by Eliza B. Gould, esquire, to know whether the original concession in this case was in the office under your charge, as keeper of the public archives of East Florida; and if so, when?

Answer. Mr. Gould has made application to me a few days since.

Question. Did you or not, on this application, search for the said original in your office?

Answer. I did.

Question. Did you find it?

Answer. I did not find it.

Question. Did you so inform Mr. Gould?

Answer. Yes.

Question. Was or was not the certified copy of the original concession, now exhibited to you, brought into this court from your office, as keeper of the public archives, on a subpœna duces tecum therefor?

Answer. Yes, it was.

Question. Be pleased to state how the said original certified copy came into your office as keeper of the public archives?

Answer. It was delivered to me by the register and receiver, who acted as land commissioners at one time, with the other papers relating to private land claims.

Examined by United States attorneys.

Question. Do you know from whom the register and receiver received that document?

Answer. I do not know.

Question. You have said, on your former examination in this case, that you were a clerk in the same office with Mr. Aguilar, at the time of the transfer of this province to the United States, and for many years before that time. Do you recollect to have seen or heard of the original concession in this case, before the change of government?

Answer. I do not recollect.

Examined by the court.

Question. What proceeding was called an expediente? Was no [proceeding called, technically, expediente?

Answer. An expediente was any proceeding which was done in writing; if there was more than one document of any paper, it was called an expediente. Sometimes they were called autos, which, I believe, means no more than the proceedings of a law suit.

Question. What was the *autos* you speak of?

Answer. The proceedings in a law suit were called *autos*; any other proceedings were called *expediente*.

Question. What was diligencia?

Answer. Diligencias was where a party wanted to prove any thing; I think that diligencias and expediente are very much alike. I should, in speaking Spanish, consider them as synonymous.

Question. What was the meaning of the prayer, sometimes preferred in Spanish times, that the proceedings be had and taken in *continuation*?

Answer. A document made in continuation was merely that the document should be *continued* on the same sheet of paper.

Question. What validity was ascribed to papers or documents in *continuation*?

Answer. I do not know that any particular validity was given to a document made in *continuation*; it might sometimes be done at the request of the party. I don't recollect any case in which a party, where the design was to establish the copy instead of the original, prayed that the copy be taken in *continuation* of the original.

Examined by claimant.

Question. Are there not now in your office, as keeper of the archives, many grants or concessions which you have seen as such keeper of the archives, but which you do not recollect either to have seen or heard of in Spanish times?

Answer. I suppose there must be many; I can not recollect a fourth part of them; it is impossible, where there are such a large number of grants, to recollect either the names of the grantees or the quantity of land granted.

Question. Was or was not an *expediente* record proof of the proceedings contained [in] it?

Answer. Certainly; all documents in the office prove themselves.

Examined by the court.

Witness states that there did not come into his hands, as keeper of the public archives, any list or index of the grants to lands made here by the Spanish government. There was a list made by Mr. Reynolds, but it contained nothing more than the names of the claimants, without mentioning the number of acres. Mr. Reynolds was keeper after Mr. Law.

Witness states that he believes there was a list of the bundles of papers in the Spanish archives, made during the Spanish government, but witness has not seen that list since the transfer, and don't know what has become of it.

Witness states, that when a party got a decree for a royal title he carried it to the escribano, and the escribano drew out the royal title in a book, and the governor signed it, and that was the original.

Witness states that the memorial of the party praying for a royal title, together with the certificate of the concession given by the secretary of the government, the survey and plat of the land, and the original proof of having complied with the conditions of the concession, and the origi-

nal decree ordering a title or patent to be issued in favor of the grantee, was called the *expediente*; which *expediente* remained on file in the office of the escribano.

Witness states that the escribano had no separate books in which he noted the royal titles that were issued, from those in which they were contained. At every ten sheets of paper of the small books which he first made, there was a blank sheet left, on which the escribano made an index of the grants which preceded that sheet, and when he had enough of these sheets, or small books, they were bound into large books, and these indexes were taken out, and a general index made to the whole book.

Witness states that there was no book in the secretary of government's office, in which a note was made of the concessions that issued; they were merely filed away in his office on the loose sheets on which they were made, and were filed away in bundles alphabetically, and without any list.

Examined by United States attorneys.

Witness states, that where concessions were made under the royal order of 1790, the governor generally required proof of the compliance of the conditions before he gave a royal title. Witness states that he thinks it was considered that a person had no right to obtain the royal title, though he had a claim to the land, till he had complied with the conditions, unless the party could show that he could not comply with the conditions of his grant, from disturbance in the country, Indian wars, or something of that kind. It was generally considered that a person had to comply with the conditions of his grant, before he could obtain a royal title.

Question. Was not the legal estate, or title, to the land, conveyed to the claimant by the royal title issued from the office of the escribano?

Answer. Yes.

Question. Was there any other mode by which the title from the king was conveyed in full property, by the governors of this province to the claimants of land?

Answer. No other mode, except in some cases I have alluded to before, where the governor has given the party permission to sell his land. Witness thinks that, although a party had not obtained a royal title, if he had complied with the conditions of his concession, he would have a right to the land; and if a party were to abandon the land after he had complied with the conditions, he would be entitled to it, though he had obtained no royal title.

Question. You have said that you believe the claimant would be entitled to the land, if he had complied with the conditions of his concession, though he had not obtained the royal title; what other evidence would he have of his right to the fee-simple in the land, except the royal title?

Answer. The evidence of having complied with the conditions.

Question. Would the claimant, in such a case as the one men-

[illegible] vs. United States.

thereof in the last question, be required to have the proof of his having complied with the conditions of his concession filed in the proper office of the government?

Answer. If the claimant made the proofs, they would be filed in the proper office, and he would receive a royal title. I have never known a person that made these proofs, except on application for a royal title.

Question. Were not all deeds of conveyance of land, from one individual to another, drawn out on the protocol of the notary of Government, and did not the notary always refuse to allow the party to sell, until he had procured a royal title for the land?

Answer. Yes, he would refuse to make the deed; he could not refuse to let the parties sell; the parties might agree between themselves, and pass receipts, or in any other manner, and run the risk of being bound to prove that the conditions of the grant had been complied with; after a party had complied with the conditions of his grant, I believe that he had a complete right to the land, though he had obtained no royal title.

Question. Where a party failed to comply with the condition of his concession, could not the Government grant the land to another individual; and if a royal title were given to the last individual, would not the claim of the first person, who had failed to comply with the conditions, be entirely defeated?

Answer. Certainly.

Question. Were not the regulations of Governor White on the subject of granting lands, under the royal order of 1790, generally observed in this province?

Answer. They were, except in some instances, by Governor Kindelan, and since Governor Kindelan.

August 5th, 1833.

Antonio Alvarez, heretofore sworn as a witness in this case, called by the counsel for the United States.

Question. Please look at the concession in this case, and say if it be, or be not, the usual form in which concessions were given by the Spanish government, under the royal order of 1790, on condition of habitation and cultivation?

Answer. Upon looking at concession, witness replies yes, it is in the the usual form.

Question. In all cases of concessions, such as the one you have just examined, wherein no conditions were specified, was it not always understood that the ordinary conditions of habitation and cultivation were implied and annexed to said concessions?

Answer. Yes.

Question. In all concessions, such as are described in the two last preceding questions, was not the person to whom the concession was granted required to take possession of the land within six months from the date of said concession?

Answer. I can't state precisely the time a party was required to take possession; it was a regulation of Governor White that the party should

take possession of his land, I believe, from three to six months; but I have seen some instances where a party was allowed more time than six months to take possession of his land.

Question. Will you please state the instances in which more time than six months was allowed the party to take possession of the land conceded to him; and was not such longer time always granted, when granted at all, by a decree of the governor, on the petition of the claimant asking for a longer time?

Answer. I cannot say or mention the particular cases, but I recollect of such cases having happened; I am inclined to think a longer time was given on the petition of the claimant and the decree of the governor, but I cannot be positive.

Question. When a party was allowed a longer time than the regulations of Governor White prescribed, for taking possession of the land conceded under the royal order of 1790, was it not considered a departure from the established practice and usage of the province?

Answer. I think it was.

Question. In all cases of concessions under the royal order of 1790, wherein no time was mentioned within which the party should take possession of the land, and no condition was mentioned, was not the party required to prove habitation and cultivation of said land before he could obtain a title in full property for said land?

Answer. Yes, generally that was the case.

Question. When a party settled on land under a concession, and inhabited and cultivated it during the period the law and the regulations required to entitle him to a royal title, would not the governor give a royal title for a larger quantity of land than that mentioned in the concession, if the party proved that, from the number of his slaves and family, he would be entitled to a greater quantity?

Answer. I don't recollect a case of that description, but I believe he would be allowed a larger quantity.

Question. When a party applied to the governor for a royal title, under the royal order of 1790, was he not required to prove the number of his family and slaves, as well as his habitation and cultivation, before the royal title was given; and was not the quantity of land granted by the royal title in proportion to the number of his slaves and family?

Answer. I don't recollect of any instance where a party had to prove the number of his family at the time of petitioning for a royal title. The number of acres in the royal title was generally the same as contained in the concession.

Question. At what time did he prove the number of his family and slaves?

Answer. I can't say positively; sometimes a party, *a party*, at the time he applied for a concession, presented a list of his family and slaves; at other times the number of his family and slaves was mentioned in the memorial; sometimes they were not mentioned in the memorial; and sometimes the party petitioned the governor for a quantity of land corresponding to his family.

Question. How do you know that there was a condition implied that the grantee should take possession and cultivate in concessions like the one before the court, though no such condition was expressed?

Answer. I know it by the general practice, and by seeing when they applied for royal titles, that they had to prove compliance with the usual conditions established by the Government.

Question. Do you know, and can you state, a single case where a party, who had received a grant without any condition expressed, was obliged afterwards to prove cultivation or settlement?

Answer. In many instances; I can't name any of them.

Question. Are there not many instances in concessions, under the order of 1790, in which it is expressly made a condition that the grantee should take possession within a limited time?

Answer. Yes, there are.

Question. Will you state whether it was not understood that the governors could grant the lands solicited absolutely, and without condition, if they thought proper to do so?

Answer. Yes.

Question. Did you mean to say in your answer to the third interrogatory, by counsel for the United States, that there was an established practice in the province of actually taking possession of the lands conceded in 3 or 6 months; or did you only mean to say that it was directed in White's regulations that possession should be taken in 3 or 6 months?

Answer. I know Governor White had specified a time in his regulations; I don't know what that time is; I spoke of the practice while I was in the office; I don't know any thing about whether the party took possession of the land in three or six months; I have never seen it proved when the party took possession; he proved that he had been in possession and cultivation for ten years.

Question. Have you ever known an instance in which a party was prevented by the Government from taking possession of the lands conceded to him, because he had not done so within six months?

Answer. I do not know of an instance.

Question. Did not a concession, under the order of 1790, according to the usage and practice of the Spanish Government, remain operative and valid for the benefit of the grantee, though he had not taken possession of the land, provided it had not been granted to another, or some proceeding had not taken place for the purpose of divesting the title of the grantee?

Answer. That is my impression.

Question. Were the regulations of Governor White, in regard to the granting of the public lands, and the taking possession of them, considered obligatory upon his successors, or even upon himself?

Answer. If I have to judge by their practice in some instances, I should say they were not.

Question. Will you state whether there is any other grant or concession of land to Elizabeth Wiggins, in the office of the archives, of which you are the keeper, than the one now in question?

Answer. I believe not; I have examined whether the original concession in the present case was in the office; and I did not find it; and I did not find any other.

Examined by the United States attorneys.

Question. Were not the regulations of Governor White observed and enforced, in all cases of grants under the royal order of 1790, by Governor White and all his successors in office?

Answer. The ordinances of Governor White were in force, that is, they were not repealed, but the governors acted on their discretionary powers different from what is stated in them.

Question. Did Governor White, or his successors in office, ever deviate from the regulations of Governor White, so far as to dispense with proof of habitation and cultivation in any case, when the party asked for a royal title for land?

Answer. I don't know if Governor White ever dispensed with those proofs, but I know that the others have in some cases.

Question. Were not the cases to which you allude very unusual and contrary to the common practice and custom of the province?

Answer. They were.

August 8th, 1833.

Antonio Alvarez again called, and examined on the part of the United States.

Upon the witness referring to the document offered in evidence in this case on the part of the United States, and numbered 1, and he being requested to state whether that document does not contain the regulations of Governor White, referred to him by him in his testimony above, witness answers, that that document does contain the regulations of Governor White, to which he has referred in his testimony above.

August 10th, 1833.

Antonio Alvarez, a witness, heretofore sworn in this case, called by claimant's counsel.

Question. You have, in your former testimony in this case, referred to certain regulations alledged to have been made by Governor White concerning the granting of lands in East Florida, will you be pleased to state whether the original of the said regulations is in your office; and if not, whether it has been in it since you have had charge of the public archives.

Answer. The original is not in my office, nor has it been since I have had charge of it; and I think it was not in the office of archives at the time Mr. Reynolds had charge of the office.

Question. What is the nature of the instrument to which you have particularly referred in testifying on this point? If it be a copy, state how it is certified?

Answer. The document of which I gave a copy to Mr. Douglas, (and which is filed in this case as part of the evidence of the United States, and numbered 1,) is taken from a copy certified by José de Zubizarreta, and the certificate of Zubizarreta is dated on the same day that the regulations bear date.

Question. Are there not a number of royal titles in your office, which have been given before conditions complied with, besides the two or three which have been filed in this cause by the counsel for the United States?

Answer. Yes. There are some titles which have been issued to the parties before the ten year's occupation. The copies which I have furnished, and which are filed in this cause, are not cases where the titles have issued before the ten year's occupation, but are cases in which the party was allowed to sell his land before he had got his titles, and before he had occupied the land ten years.

Examined by the United States' attorneys.

Question. Will you please state the cases in which royal titles have been given for land before the claimant had occupied and cultivated during the period required by the regulation of the province?

Answer. I can't state any case; I am certain there are some cases, but I don't recollect the name of any particular case, except the case of Mr. Kingsley, the papers of which case I had occasion lately to look over.

Question. Do you recollect any case under the royal order of 1790, where a royal title was given to the claimant before he had inhabited and cultivated the land?

Answer. No.

No. 13.

Offered in evidence on the part of the United States and received, subject to objection.

Deposition of Antonio Alvarez, taken by commission in this cause.

Territory of Florida:

In the name and by the authority of the United States of America, to Joseph S. Sanches, greeting:

Whereas a certain claim to land is now depending in the superior court for the eastern district of Florida, in which said claim Jose A. Villalobos and M. de Fougeres are claimants, and the United States of America defendants, and it being necessary to the investigation of said cause, the testimony of Antonio Alvarez, the said Joseph S. Sanches having been named by the said claimant and the said defendant as commissioner to examine said witness on certain interrogatories—

Know ye, that confiding in your prudence, ability, and integrity, you are by these presents appointed, and full power and authority are hereby given to you, diligently to examine the aforesaid witness upon certain interrogatories to be exhibited to you, as well on the part of the said claimant, as on the part of the said defendant, or of either party in said

[illegible] and, therefore, you are authorized and requested, by a certain day or on certain days, and at a certain place or at certain places, to cause the said witness to come before you, and then and there to examine each of them apart, on the said interrogatories, on their corporal oaths or solemn affirmations first taken before you, and to take such their examinations and reduce them to writing on paper, and when you shall so have taken them, to sign the same with your name, and enclose and seal the whole together conformably to the instructions hereunto subjoined.

And you are hereby further requested that before you act in, or be present at the swearing, or solemn affirming, and the examining of any of the said witnesses, you do make oath or solemn affirmation, that according to the best of your knowledge, you will truly, faithfully, and without partiality to any or either of the parties in said cause, take the examination and deposition of every witness produced and examined, by virtue of this commission, upon the interrogatories hereunto annexed, and produced to you; and that you will not publish or make known to any person whosoever, except the clerk or clerks, who may by you be employed and sworn to secrecy in the execution, the contents of any of the depositions of the witnesses, to be taken by you in this commission named, until publication shall pass by rule or order of said superior court.

Witness the honorable Robert Raymond Reid, judge of our superior court for the district of East Florida, this 19th day of September, A. D. 1835.

K. B. GIBBS, *Clerk.*

Instructions.

When the testimony is taken, the commissioner is required to sign his name at the bottom of each sheet of the depositions, and the whole, after fixing and sealing the several sheets together, then to enclose the whole examination, commission and all, in an envelope, sealed up, with your name written on the outside across the seal, and to endorse the packet on the corner thereof with the names of the parties, and so direct the same to Kingsley B. Gibbs, clerk of said court at St. Augustine, and deliver it to him.

SUPERIOR COURT, *district of East Florida:*

THE UNITED STATES } Claim for 16,000 acres of land.
vs. }
VELASQUEZ and FONTEINE. }

Interrogatories to be administered on behalf of the United States to Antonio Alvarez, esq., keeper of the public archives in St. Augustine, a witness to be produced, sworn, and examined in the above entitled cause.

First. Please to state your age; how long you have resided in East Florida; what offices you held therein, if any, under the Spanish government; and how long you have held the office of keeper of the public archives in St. Augustine.

Second. What is the date of the first concession belonging to that class of grants commonly called *title* grants, now on file in your of-

final, please state, and annex a copy thereof to your deposition, to be taken on these interrogatories.

Third. Please to state whether there are any royal titles on file in the archives under your charge, which were made to any grantee, after a previous concession of the land to such grantee, upon condition of erecting a saw mill? if there are, please to state to whom they were made, and annex a copy of the concession and royal title in each of said cases to your said deposition.

Fourth. Do you know of a single instance where a concession was made, upon condition of building such saw mill, that was up by a royal title; if you do, please state the case, and annex a copy of such concession and royal title aforesaid.

Fifth. Please examine your office, and see if there is any such royal title on file in it; and, if there is not, please to state that fact.

Sixth. Please to examine a list of documents filed in this case, as evidence, by the petitioners, marked 1 to 43 inclusive, commencing with a concession to Louis Mattair for 300 acres of land; and then examine your office carefully, and ascertain if there is any royal title on file in it which was issued upon any of the concessions or surveys described or included in said list of documents *since* the making of such survey or surveys, according to the description contained therein; and, if there is, please to state after, and in pursuance of, which of the said surveys the said royal titles was made, and annex a copy thereof to your deposition to be taken upon these interrogatories.

Seventh. Do you know of any royal title or royal titles having been issued in any of the cases comprised in said list, pursuant to the call or calls of any survey or surveys therein contained, since the making of such survey or surveys, or not? if you do, please state the case or cases, and, if in your power, annex a copy of each to your deposition to be taken upon these interrogatories; and, if you do not, please to state that fact.

THO. DOUGLAS,
United States att'y.

Objections to the above interrogatories.

I object to the *first*, *second*, *third*, *fourth*, and *fifth* direct interrogatories above filed by the counsel for the United States, because it is too late now in this case, on the part of the United States, to introduce other testimony or evidence than such as is pertinent to rebut the additional evidence exhibited by the claimants on the 14th instant, pursuant to a previous order of this court, in relation to the legality of changes of location by the surveyor general; and the testimony sought by these interrogatories is not of such character, nor in any way connected with that question.

I also object to these interrogatories, filed at this time, because the claim in question, after having been argued and submitted, was opened, and is now open, only for the purpose of taking additional testimony as to the right of the survey—or general to change location—and because the testimony called for by them, from its nature, if necessary or admis-

title at all, was so evidently necessary, years ago, and if ordinary diligence had been used, on the part of the defence, might, years ago, have been obtained.

But further: I object to these interrogatories, because they call for testimony irrelevant to the issue. Whether or not royal titles have been given in *other grants*; or whether they were necessary or not; or whether the time had arrived for obtaining them, has no connection with, and is immaterial to, the validity of the *present grant*.

I make no objection to the testimony sought by the sixth and seventh interrogatories, because that may bear upon the question of the legality of the changes of location by the surveyor general; but I object to the keeper of the archives, upon these interrogatories, making out and affixing to his answers any copies from documents in his charge; such acts would neither be *answers nor testimony*.

Cross interrogatories.

1. If, in answer to the 3d, 4th, or 5th direct interrogatories, you reply that you know of no royal title such as in those interrogatories is inquired of, be pleased to state whether, upon any such grant or concession, there is any case or evidence in your office of a refusal, on the part of any governor, to make such royal title? Also, whether you have ever heard of a refusal or denial of such title by any governor? and, also, whether there are not, in your office, many grants and concessions of lands supposed to be valid, and in the possession and occupation of the grantee, or of his representatives, upon which no royal title has ever been made?

2. Are not the grants, concessions, and titles of lands in your office, which are supposed to be valid, and which have not been followed by what is called a royal title, much more numerous than those which have such title?

3. Have not many grants, concessions, and titles, where no royal title had been issued upon them, been confirmed by the land board, and by the legislation of Congress? And have not such confirmations by the U. States, according to your information, been far more numerous than those in cases where there had been royal titles?

4. If you answer, to the 6th or 7th direct interrogatory, that you know of no royal title issued upon any of the cases comprised in the list of documents mentioned, be pleased to say whether, in any of those cases, you have any evidence in your office that such royal title has ever been refused; or whether *how* have ever heard of any such refusal, or of a disapproval, by any governor, or by the Spanish government, in any way, of any change of location in any case, made either by Don Pedro Marrot, or by Clarke, the surveyor general?

Fifth. Be good enough to state, if you know, whether there are not cases of change of location from the calls of the grant made by the surveyor general, which have been approved by the governor, in Spanish times? Was not such change of location, in the case of Higginbotham, confirmed by royal title? Have there not been other cases of direct ap-

permit of such changes of location when brought to the notice of the governor of the province?

St. Augustine, 19 Sept., 1835.

JOSEPH L. SMITH,
For claimants.

Objections to cross interrogatories.

The United States, by their counsel, object to the last clause of the first, and to the second cross interrogatory above, because the supposition of the witness is called for as to the validity of concessions and titles to land, and that in the gross too, without a reference to any particular concession or title, and because the testimony obtained would be wholly irrelevant.

And to the third cross interrogatory, because, if the matters sought to be proved by it exist, they can be proved by higher—viz: record and documentary—evidence.

And also to that part of the fourth cross interrogatory, and all other inquiries which call upon the witness to state whether he has ever heard of any refusal to grant a royal title upon a change of location by the surveyor general, or of one's disapproval of such change, as the archives will afford record evidence of such proceeding, if there ever was any; and because such testimony, if obtained, would be wholly irrelevant.

If there are any such cases of change of location from the calls of the grant made by the surveyor general, which have been approved by the governor in Spanish times, or upon which a royal title was issued, as is mentioned and enquired of in the fifth cross interrogatory, Mr. Alvarez is particularly requested to annex a copy of all the papers and documents on file in his office, in every such case respectively, to his deposition to be taken upon the foregoing interrogatories and cross interrogatories, and also a copy of the documents of *all other cases* to which he may refer in said deposition.

THO. DOUGLAS, *U. S. att'y.*

Replication to objections.

To the objections of one of the counsel for the United States to the cross interrogatories, it is sufficient to answer, that they *are* cross interrogatories, and in the belief of the counsel for the claimant who filed them, sustained by the principles that govern cross examinations; but the question is cheerfully submitted to the court.

JOSEPH L. SMITH, *for claimants.*

Answers of witness to interrogatories.

THE UNITED STATES }
vs. }
VILLALOBOS & FOUCHERE. }

Answers of Antonio Alvarez, a witness sworn and examined in behalf of the United States, by the commissioner appointed in the annexed commission in the above entitled cause.

First. I am forty years of age; I was a clerk in the office of the secre-

tary of the government of East Florida from the year seventeen hundred and seven to eighteen hundred and twenty-one, with the exception of two intervals of about one year, more or less, each time; I am keeper of the public archives of East Florida since the year eighteen hundred and twenty-nine.

Second. The first concession for a mill is dated the twenty-ninth of January, seventeen hundred and ninety-three, a copy of which is hereto annexed, marked No. 1.

Third. There are no such documents in the office under my charge.

Fourth. No.

Fifth. I have made the examination required, and I find no such document on file in the office under my charge.

Sixth. I have examined the documents, as requested, in this interrogatory; there is no royal title on file in the office under my charge, issued upon any of the concessions or surveys described in said list and documents, since the making of such survey or surveys.

Seventh. No.

ANTONIO ALVAREZ,
JOS. S. SANCHEZ,
Commissioner.

Answers to cross interrogatories.

First. So far as I have been able to ascertain, there is no evidence in the office under my charge of a refusal, on the part of any of the governors, to make such royal title; I do not recollect of having heard of a denial of such title by any of the governors. There are many grants and concessions of land on file in the office under my charge, of the description set forth in the last question in this interrogatory, upon which no royal title has been issued.

Second. According to my belief there are.

Third. Yes.

Fourth. So far as I have been able to ascertain from the office under my charge, there is no evidence of any such refusal. I do not recollect ever having heard of any such refusal.

Fifth. After a diligent search in the office under my charge, I find that there are three cases of changes of location from the calls of the grant, which changes have been approved of by the governors in Spanish times, viz: one of Santos Rodriquez for two thousand acres of land; one of Joaquim Sanchez for five hundred acres; and one of Francisco Barbe for five hundred acres. The change of location in the case of Higginbotham for one tract of five hundred acres, and another of two hundred, was confirmed by royal title. I do not know whether or not there are any other similar cases; it is very difficult to find them out if there are any, because it is necessary to read and examine all the proceedings and other documents relating to each and every concession and royal title.

At the request embodied in these interrogatories by Thos. Douglas, esq'r, att'y for the United States, the witness has hereto annexed twelve

documents numbered from 9 to 12, relating to the cases of Santos Rodriguez, Joaquina Sanchez, and Francisco Barbo, referred to in his answer to the 50th cross interrogatory.

ANTONIO ALVAREZ,
JOS. S. SANCHEZ,
Commissioners.

Documents attached to said commission.

No. 1.

Grant to William Pengree.— Translation.

SENOR GOVERNOR: Don Guillermo Pengree, an old inhabitant of this Province, with the respect due to your excellency says, that about five miles in the rear of his lands, and at the head of Nepomuceno creek, and also at the head of Doctor's lake, there is a creek well adapted for building a water saw mill; and confiding in the goodness of your excellency, your petitioner has ordered all the iron work and pieces necessary for the construction of it, and also to complete another which he has half finished upon his own lands, for all of which he has expended considerable sums of money; therefore he humbly supplicates your excellency will be pleased to grant him the lands that are vacant at said place, and that the quantity be one or two thousand, or as your excellency may think convenient, (besides those corresponding to the number of his family, which has increased three in number since the judge commissioner received his oath,) that he may be enabled to work said mills without ever being deficient of pine; or that no other inhabitant should come to locate himself in the vicinity of it, it will be convenient that your excellency should determine the limits, otherwise the petitioner will be exposed to have his labor and expenses rendered useless, if he should have to go to a great distance to procure timber; and it is a favor which he hopes to obtain from the known justice and rectitude with which your excellency dispenses your correct decrees. St. Augustine, Florida, 24th of January, 1793.

WM. PENGREE.

St. Augustine, 26th of January, 1793. The Captain Don Pedro Marrot, commissioned for the general distribution of lands, will report what he thinks proper upon each point of this petition, according to the instructions and orders given him, and according to the edicts published by this government.

QUESADA.

SENOR GOVERNOR: In answer to the superior decree of your excellency, I say, that the lands which this old settler solicits, in the rear of those of his property five or six miles are actually vacant, and are also suitable for the construction of a water saw mill; but I am ignorant of his having expended any money for its iron work; I only know that he has a mill commenced upon the lands belonging to him. As relates to the solicitation which he also makes of this government, to have granted to him one or two thousand acres of land, besides what, for his family,

[illegible] his wills, I have no instructions whatever by which to be governed. The edict of good government only says that the king grants one thousand acres of land (besides what correspond to them) to the inhabitants who can cultivate more than these of their property; but said edict does not in any manner embrace the petitioner, inasmuch as he does not solicit them for agriculture, but for cutting of timber. Wherefore, and as by not granting to him the number of acres which your excellency may think proper, besides those which correspond to him, there will result to him notable detriment, your excellency will resolve what you may judge most in accordance with your notorious and just administration of justice. In respect to said edict and other instructions which I have from this government, I do not judge the petitioner to be entitled to the 150 acres which he now solicits for the three negroes, by which he says his family has been increased, for said documents make no mention but of the number of persons that each family might have at the time of taking the oath and measurement of his lands. It is all that I can report to your excellency on the subject. St. Augustine, 28th of January, 1793.

PEDRO MARROT.

ST. AUGUSTINE, *29th of January*, 1793.

Notwithstanding its not being for the purposes which this party proposes, the offer made in the edict of this government of one thousand acres of land more, to the heads of families who can cultivate more than what corresponds to them, attending to the laudable purpose for which he solicits them, and to the general and particular utility which results to this Province by the establishment of water saw mills for the exportation of its lumber, there are granted to him the one thousand acres at the place which he points out having projected to build the new mill, but not the 150 for the three negroes with which he has increased his family, as the regulation for the measurement should be considered at the time when the settler takes the oath, without calculating with the subsequent increase or diminution. Under these considerations, Don Pedro Marrot will proceed to the measurement of the lands which correspond to this petitioner, with the additional quantity that is now granted to him, all without injury to third persons, and in accordance with the instructions and orders given him.

QUESADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed to the interrogatories taken by commission issued from the superior court, in the land case of The United States ads. Villalobos & Fougéres.

JOS. S. SANCHEZ,
In. and Trans. Sup. Court, E. D. F.

No. 2.

Grant to Santos Rodriguez.

Translation.

Senor Governor: Don Santos Rodriguez, quartermaster general of fortification and provisions in this city, with due respect to your excel-

lency, says: That, by royal order of the twenty-ninth of March, eighteen hundred and fifteen, his majesty has been pleased to approve of the gifts and rewards proposed by his excellency your predecessor, Brigadier Don Sebastian Kindelan, to all those individuals who contributed to the defence of this province, one of those gifts being the distribution of lands; and whereas, the petitioner is entitled to the gift of lands, for besides being engaged in the discharge of his office all day, he was going the rounds at night, and performing other extraordinary services, in which he was employed by his excellency the governor pro. tem., Don Juan Jose de Estrada, for the said defence, in the year eighteen hundred and twelve, to which is added, that the petitioner, as an old inhabitant of this province, and for the services which he has rendered to his majesty, is entitled (with preference to strangers who come to settle themselves in virtue of royal orders) to obtain lands gratis; therefore, he supplicates your excellency will be pleased to grant him two thousand acres of land, of those that are vacant on the east side of the river St. John's, at the place called Dunn's lake, between the crossing place or plantation called Mount Tucker, at the south, and where Bushnell is cutting lumber on the north, pine land on the east, and the said river St. John's on the west; which favor he hopes to obtain from the correctness and strict justice which your excellency administers.

St. Augustine, Florida, 22d of December, 1817.

SANTOS RODRIGUEZ.

Decree.

ST. AUGUSTINE, *24th of January*, 1818.

Granted to the petitioner the two thousand acres of land at the place which he solicits them, without injury to third persons, for which there will be issued to him title of dominion by the Escribano of the government and royal exchequer.

COPPINGER.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Tran. Sup'r Court, E. D. F.

No. 3.

Survey to D'n Santos Rodriguez.

Don Geo. Clarke, lieut. of militia of the city of St. Augustine, Florida, and surveyor general, appointed by the government of said city and its province:

I certify, that I have measured and bounded to Don Santos Rodriguez, two thousand acres of land on the north side of Dunn's lake, which were granted to him by the government on the twenty-fourth of January, one thousand eight hundred and eighteen, and will be found to agree with the following plat, and its copy, kept in the book of surveys, under my charge.

St. Augustine, Florida, sixth of April, 1818.

GEO. J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. Sup. Court, E. D. F.

No. 4.

Royal title to D'n Santos Rodriguez.

Don Jos. Coppinger, colonel of the royal armies, civil and military governor, and chief of the royal exchequer of this city of St. Augustine, Florida, and its province, by his majesty:

Whereas, in royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve of the gifts and rewards proposed by my predecessor, his excellency Brigadier Don Sebastian Kindelan, for the veteran as well as the militia officers and soldiers, and other individuals of this province, who aided in the defence of it in time of rebellion, one of those gifts being the distribution of lands in proportion to the number of family that each individual might have; that Don Santos Rodriguez, quartermaster general of fortifications and provisions of this city, having presented himself, alleging the merit of his services rendered in said defence, and soliciting in virtue thereof, and of the aforesaid royal order, the concession of two thousand acres of land was granted to him, of those that are vacant on the east side of the river St. John's, at the place called Mount Tucker, bounded on the north by the crossing place or plantation, Mount Tucker; on the north by lands where Bushnell has cut lumber; and on the west by said river St John's; the dimensions of the said lands are the following: the first line runs north thirty-three degrees east, commencing at a cypress and ending at a pine, containing in measurement one hundred and forty-two chains; the second line runs south sixty-seven degrees east, commencing at said pine and ends at another, containing in measurement one hundred and forty-two chains; the third line runs south thirty-three degrees west, commences by said last pine and ends at a cypress, its measurement consisting of one hundred and forty-two chains, according to what appears by the proceedings moved by the said Don Santos Rodriguez, and from my decree given thereupon, dated the twenty-fourth day of January of the present year, which exists in the Escribano's office of the government. Therefore, I have thought proper to grant him, as in the name of his majesty, and of his royal justice which I administer, I do grant, to the afore named Don Santos Rodriguez, the aforesaid two thousand acres of land, without injury to third persons, at the place already pointed out, for himself, his heirs, and successors, in absolute property, and in issuing to him, as by these presents I do, the corresponding title by which I separate the royal exchequer from the right and dominion which it had to said land; and I cede and transfer it

to the afore mentioned Don Santos Rodriguez, his heirs and successors, that in consequence thereof they may possess it as their own, use and enjoy it free of incumbrance, with all its inlets, outlets, uses, customs, rights, and services, which it had, has, and of right and in law thereto appertain and may belong; and it being their will, they may sell, cede, transfer, and alienate the same, as may best suit them. To all of which I interpose my authority as far as I can, and in law ought to, in virtue of the sovereign's will.

Given under my hand, and countersigned by the undersigned Escribano of the government and royal exchequer, in this city aforesaid of St. Augustine, Florida, tenth of June, one thousand eight hundred and eighteen.

JOSE COPPINGER,
JUAN DE ENTRALGO,
Escribano of the gov't and of the royal exchequer.

Note.—As by the memorial which Don Santos Rodriguez has this day presented, it is evident that there was a mistake in the lines which he designated in his memorial of the 22d of December, eighteen hundred and seventeen, in which he solicited that there might be conceded to him the lands contained in this title, and by order of this date it is directed, that this note should be placed here, that it may be understood that other lines should be comprehended in this form; that the two thousand acres of land are on the east side of the river St. John's, about twelve miles from said river, bounded on the south by the lake known as Dunn's lake, upon the west and north by vacant pine land, and upon the west by lands belonging to Don Fernando de la Maza Arredondo," as appears by the said petition and order attached to the despatch (expediente) from whence proceed the concession and title to said lands.

St. Augustine of Florida, 4th of August, eighteen hundred and eighteen.

ENTRALGO.

No. 5.

Petition of Don Santos Rodriguez.

Translation.

To his excellency the governor: Don Santos Rodriguez, quartermaster general of fortifications and provisions in this city, with the respect due to your excellency, says, that when he solicited the grant of two thousand acres of land upon the river St. John's, as a reward for his services, and upon the favor granted by his majesty on the subject, he made mention of boundaries, which have been inserted in the title of property issued in his favor, dated the tenth of June last; and whereas, there is a mistake in said lines, as will be seen by the certificate and plat of surveyor which are hereto annexed, they should be understood in this form: that said lands are situated on the east side of the river St. John's, about twelve miles from said river, bounded on the south by a pond known as Dunn's lake, on the west and north by vacant pine lands, and on the

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east by lands belonging to Don Fernando de la Maza Arredondo; therefore he supplicates your excellency will be pleased to order that the corresponding note may be made in said title, in order that the true lines may appear which bound said lands, and thereby avoid confusion that might originate by the statement made by the petitioner in his memorial presented on the twenty-fourth of January of the present year, without any certain knowledge of the limits which, at the time of the survey, have been expressed; your excellency being pleased to order, that this petition be annexed to the proceedings on the subject, for the purposes that may be convenient, which favor he hopes for from the justice of your excellency.

St. Augustine, Florida, 4th of August, 1818. SANTOS RODRIGUEZ.

St. Augustine, Florida, August the fourth, eighteen hundred and eighteen.—Granted, and with citation of the adjoining.

COPPINGER.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

No. 6.

Grant to Francisco Barbe.

Translation.

To his excellency the governor: Don Francisco Barbe, of this vicinity, with due respect to your excellency, says, that I am informed that the king our lord (whom God preserve) by his royal order of the twenty-ninth of March, eighteen hundred and fifteen, has been pleased that there should be lands granted gratis to every individual of this province who may have voluntarily taken up arms against the insurrection lately experienced in it, in proportion to their families and slaves, and as I am comprehended by said royal order, having been one of the militia of the city, and continued to remain in this city at that time, for the defence of it, therefore I supplicate your excellency will be pleased, in virtue of that sovereign order, to grant me in absolute property the quantity of land that may correspond to myself and sixteen negroes of my property, contained in the annexed list, which I solemnly herein attach, upon the main land of this province, at the head of Nassau river, on the vacant place known as Thomas' swamp, bounding on the east by lands of Don Jose Alvarez, on the west by those of Don Henry Groves, and on the north and south by vacant lands; and it will be a favor which I hope from the strict justice of your excellency.

Pernandina, 18th of December, 1816. FRANCISCO BARBE.

ST. AUGUSTINE, FLORIDA,
24th of December, 1816.

Let this party prove his statement, and his property in the negroes to whom he refers, and it will be decreed upon.

COPPINGER.

To the governor: In consequence of the preceding superior decree, this petitioner has appeared before me, and presented the certificate of his services in the militia of this town, as he also competently proved his slaves, who accord with the list which he presented, and accompany this petition.

Fernandina, 21st of March, 1817.

FRANCISCO MORALES.

ST. AUGUSTINE, 10*th of April*, 1817.

Notwithstanding the obscure manner in which the lieut. of militia, Don Pedro Pons, has certified, and the informal manner of the proof required by decree of the 24th of December last, as it appears from the returns existing in the Secretary's office of this government, that Francisco Barbe served as a militia man, at the time of the insurrection, there are granted to him, in absolute property, and without injury to third persons, five hundred acres of land, that correspond to him according to the number of his family, and the royal order on the subject, for which purpose there will be issued to him the title which he solicits to lands at the place he designates.

COPPINGER.

Before me: JUAN DE ENTRALGO,
Secretary of the Government.

I certify, that the foregoing is a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Trans. and instr. sup'r court, E. D. F.

No. 7.

Survey to D'n Francisco Barbe.

Translation.

Don George Clarke, lieutenant of militia of the city of St. Augustine, Florida, and surveyor general appointed by the government of said city and province.

I certify that I have measured and bounded to Francisco Barbe, five hundred acres of land at the place called Cedar creek, on the waters of the river St. John's, and will be found in its situation, quality, and boundaries to agree with the following plat, and the copy thereof, preserved in the book of surveys of lands under my charge.

Fernandina, eighth of February, one thousand eight hundred and seventeen.

GEO. J. F. CLARKE.

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Intr. and tran. sup. court, E. D. F.

No. 8.

Royal title to Francisco Barbe.

Translation.

Don Jose Coppinger, colonel of the royal armies, civil and military governor pro tem. and chief of the royal exchequer of this city of St. Augustine, Florida, and its province:

Whereas, by royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve of the gifts and rewards proposed by my *proposed by my* predecessor, the Brigadier Don Sebastian Kindelan, for the veteran as well as the militia officers and soldiers of this said province, who came to the defence of it in time of rebellion, one of those rewards being the distribution of lands in proportion to the number of family that each individual might have; that Don Francisco Barbe, a soldier in the first militia company of the town of Fernandina, having presented himself, showing his services rendered in said defence, and soliciting the quantity corresponding to himself and his slaves, there were granted to him five hundred acres of land on the main land of this province, at the head of Nassau river, at the place which is vacant, called Thomas' swamp, bounding on the east by lands of Don Jose Alvarez, on the west by those of Don Henry Groves, and on the north and south by vacant lands, all conformable to the regulations established by this government for the distribution of lands, and to the number of persons and slaves of which his said family is composed, and to what is ordered by my decree of this day, made to the proceedings moved by the said Barbe, which exists in the office of the Escribano of this government; therefore, I have thought proper to grant, as in the name of his majesty I do grant, to the said Francisco Barbe, the aforesaid five hundred acres of land, without injury to third persons, at the place already designated for himself, his heirs, and successors, in absolute property, and in issuing to him, as by the present I do, the corresponding title by which I seperate the royal exchequer from the right and dominion which to said lands it had, and I cede and transfer it to the afore named Francisco Barbe, his heirs and successors, that in consequence thereof they may possess, use, and enjoy the same, free of all incumbrance with all its inlets, outlets, uses, customs, rights, and services which it had, has, and of right and in law ought to, in virtue of the sovereign's will.

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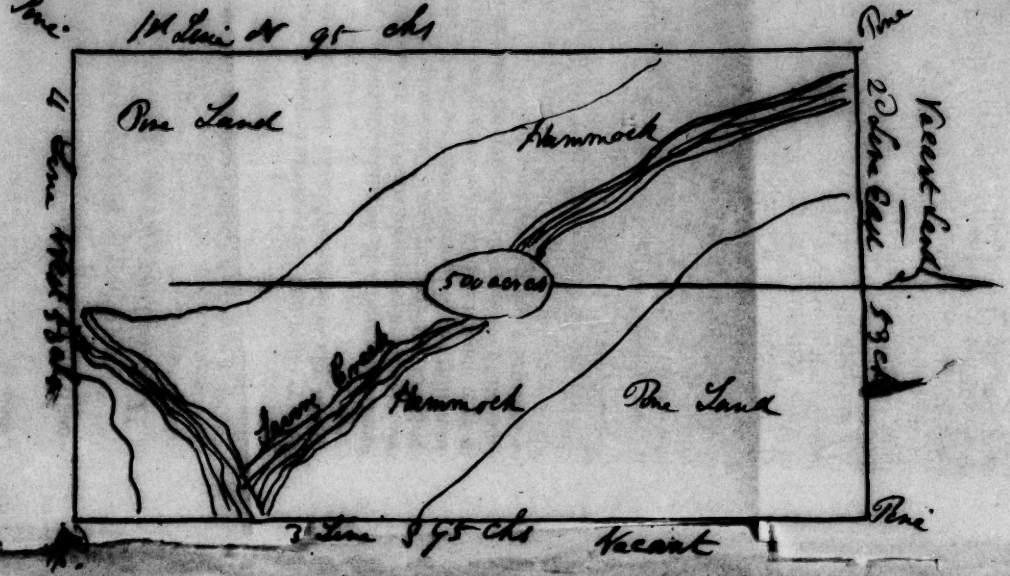

Pine
1st Line N 95 chs
Pine
Pine Land
Hammock
Vacant Land
2d Line East
500 acres
Hammock
Pine Land
Pine
3d Line S 95 chs
Vacant

Given under my hand, and countersigned by the undersigned Escribano of the government and royal exchequer in this said city of St. Augustine, on the tenth of April, one thousand eight hundred and seventeen.

COPPINGER.

By order of his excellency.

JUAN DE ENTRALGO,
Escribano of government and royal exchequer.

Note. That having proceeded to the measurement by the surveyor general, Don George Clarke, of the five hundred acres of land mentioned in this title, in favor of Francisco Barbe, it resulted that they are situated at the place called Cedar creek, on the waters of the river St. John's. The first line measuring north, ninety-five chains; the second, east, fifty-three chains; the third, south, ninety-five chains; and the fourth, west, fifty-three chains, as appears by the plat made by said surveyor, dated the eighth of February, one thousand eight hundred and seventeen, which has been annexed to the original petition upon which this title was issued, and in compliance with what has been ordered in decree of this day, by the governor of this city, made at the request of the said Francisco Barbe, soliciting this note to be made, and to amend the error which will be seen in the title of the place called Thomas Swamp, at which place it must be understood as Cedar creek. I make the present note in St. Augustine, Florida, the twenty-seventh of March, one thousand eight hundred and nineteen.

JUAN DE ENTRALGO.

I attest,

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup. court, E. D. F.

No. 9.

Petition of Don Francisco Barbe, to amend the royal title.

Translation.

To his excellency, the Governor:

Don Bartolome de Castro y Ferrer, a resident of this city, in the name of Francisco Barbe, an inhabitant of this province, for whom I appear, with the respect due to your excellency, says, that on the tenth of April, eighteen hundred and seventeen, there was issued title of property in favor of said Barbe, for five hundred acres of land, which were granted to him on condition creek, mistaking that name for Thomas Swamp, as appears from the testimony which he duly accompanies it should not be, but in the manner stated in the plat, made by the surveyor general, Don George Clarke, dated the eighth of February, of the same year, which he also annexes, in order that your excellency may be pleased to order it all to be attached to the original proceedings from whence said title was issued; and that in continuation in the margin of this the measurement, shown by said plat be noted; and that a copy

thereof be given to him to prove that these are the lands and lines which should be given with the amendments of the mistaken place. Therefore, he supplicates your excellency will be pleased to grant his solicitation, which favor he hopes to obtain from the justice of your excellency! St. Augustine, Florida, twenty-seventh of March, one thousand eight hundred and nineteen.

BARTOLOME DE CASTRO Y FERRER.

St. Augustine, 27th of March, 1817. Granted.

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Escribano of the government.

In St. Augustine, on the same day and year, I notified Don Bartolome de Castro y Ferrer, of the proceeding decree.

I attest:

ENTRALGO.

Note. In the title of property, what is petitioned for was noted.

I attest:

ENTRALGO.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

No. 10.

Grant to Joaquim Sanchez.—Translation.

To his excellency, the Governor:

Don Joaquim Sanchez, ensign of the provincial militia, and of the Spanish company of those of this city, with the respects to your excellency, says: that he is informed of the royal order of the twenty-ninth of March, eighteen hundred and fifteen, in which his majesty has been pleased to approve of the gifts and rewards proposed by your excellency's predecessor, Brigadier Don Sebastian Kindelan, on the subject of distribution of lands to all those individuals who appeared in the defence of this province during the rebellion, which took place in eighteen hundred and twelve, and being embraced in said resolution of the sovereign, having been constantly on duty, and without rest during that time, to which is added, my not having received any concession of lands in more than thirty-two years that I reside in this province, and finding myself with a large family; therefore, I supplicate your excellency, will be pleased to grant me one thousand acres of land, as follows: five hundred acres of land, on an island known by the name of Jupiter, which bound on the south by the river Ys, north by Dry river, east by the ocean, and on the west by a pond; and the remaining five hundred acres, at the place known as Governor Grant's; bounding on the south, by lands of the heirs of the deceased Don Miguel Yznardy, on the north by Domingo Sanco, on the west by the St. John's road, and on the east, by a creek called North river; which lands have never been cultivated, or granted to any individual; [a] favor which he hopes for, from the justice of your excellency. St. Augustine, Florida, sixth of April, 1818.

JOAQUIM SANCHEZ.

St. Augustine, 6th of April, 1818.

As the services alleged by this petitioner to have been performed by him are known, the one thousand acres of lands are granted to him, at the place where he solicits them, without injury to third persons, of which there will be issued to him title of property, in form, by the escribano's office of the government and royal exchequer.

COPPINGER.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Interp. and trans. sup. court, E. D. F.

No. 11.

Royal title to Joaquim Sanchez.—Translation.

Don Jose Coppinger, colonel of the royal armies, civil and military governor, and chief of the royal exchequer of this city of St. Augustine, Florida, and its province; by his majesty.

Whereas, by royal order of the twenty-ninth day of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve of the gifts and rewards proposed by my predecessor, his excellency brigadier Don Sebastian Kindelan, for the veteran as well as the militia officers and soldiers, and other individuals of this province, who aided in the defence of it in time of rebellion; one of those rewards being the distribution of lands in proportion to the member of family that each individual might have; and Don Joaquim Sanchez, ensign of the provincial militia, and of the Spanish company thereof, of those of this city, making merit of his notorious services in said defence, having presented himself and solicited in virtue thereof, and of the said royal order, the concession of five hundred acres of land was granted to him at the place known as *Governor's Grant;* bounding on the south by lands belonging to the heirs of the deceased Don Miguel Yznardy, on the north by Domingo Sanco, on the west by the St. John's road, and on the east by the creek, called of the North; as will be seen by my decree of the sixth of April last, made upon the petition of the interested of the same date, which exists in the office of the escribano of the government. Therefore, I have thought proper to grant, as in the name of his majesty, and of his royal justice which I administer, I do grant, to the said Joaquim Sanchez, the aforesaid five hundred acres of land at the place designated, without injury to third persons, for himself, his heirs and successors, in absolute property; and in issuing to him, as by the present I do, the corresponding title, by which I divest the royal exchequer of the right said dominion which to said land it had, and I cede and transfer the same, to the aforenamed Don Joachim Sanchez, his heirs and successors, that in consequence thereof, they may possess it as their own, use and enjoy it free of all incumbrance, with all its inlets, outlets, uses, customs, rights and services, which it had, has, and of right and in law thereto appertain, or may belong: and it being their will, they may sell, cede, transfer, and alienate it, as may best suit them.

To all of which I interpose my authority judicially, as far as I can, and in law ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano of the government and royal exchequer, in this city of St. Augustine, Florida, aforesaid, the fifteenth of June, one thousand eight hundred and eighteen.

JOSE COPPINGER.

Before me. JUAN DE ENTRALGO,

Escribano of the government and royal exchequer.

Note. That the situation and boundaries which are to be understood in this title, are those contained in the plat made by Don Andres Burgevin, under date of the twenty-fifth of April last, executed in virtue of superior decree, which are as follows: the first line runs south eighty degrees west, measuring forty-five chains; the second line north two degrees west, ninety-four chains; and the third line north eighty degrees east, sixty-nine chains; all of which lines commences and ends, at pines marked X. The five hundred acres of which this land is composed, and situated about eighteen miles north of this city, and two miles west of the creek called North river, at a place known as Yznardy's old camp; and in obedience to what is ordered by his excellency, the governor of this city, in his decree of this day, made upon the petition of Don Joaquim Sanchez, which will be found annexed with said plat, to the proceedings first had, upon which this title of property was issued, I place the present note that it may appear. St. Augustine, Florida, sixteenth of May, one thousand eight hundred and twenty.

I attest. JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,

Intr. and tran. sup. court, E. D. F.

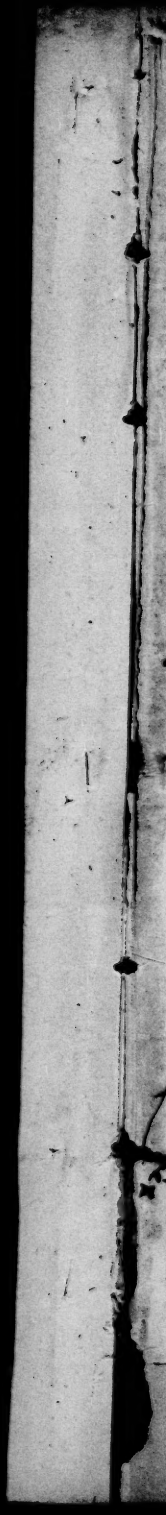
No. 12.

Certificate and plat of survey to Don Joaquim Sanchez—Translation.

Don Andrew Burgevin of this city, and surveyor, appointed by a decree of this government, on the nineteenth of April, 1820, in favor of the party interested.

I certify, that I have measured and bounded to Don Joaquim Sanchez, a piece of land which contains five hundred acres, situated about eighteen miles north of this city; said land is two miles west of the creek called North river, and at the place known as Yznardy's old camp, and being in every other circumstance conformable to the plat which follows. That it may appear, I give the present in St. Augustine, Florida, the twenty-fifth day of April, 1820.

ANDRES BURGEVIN.



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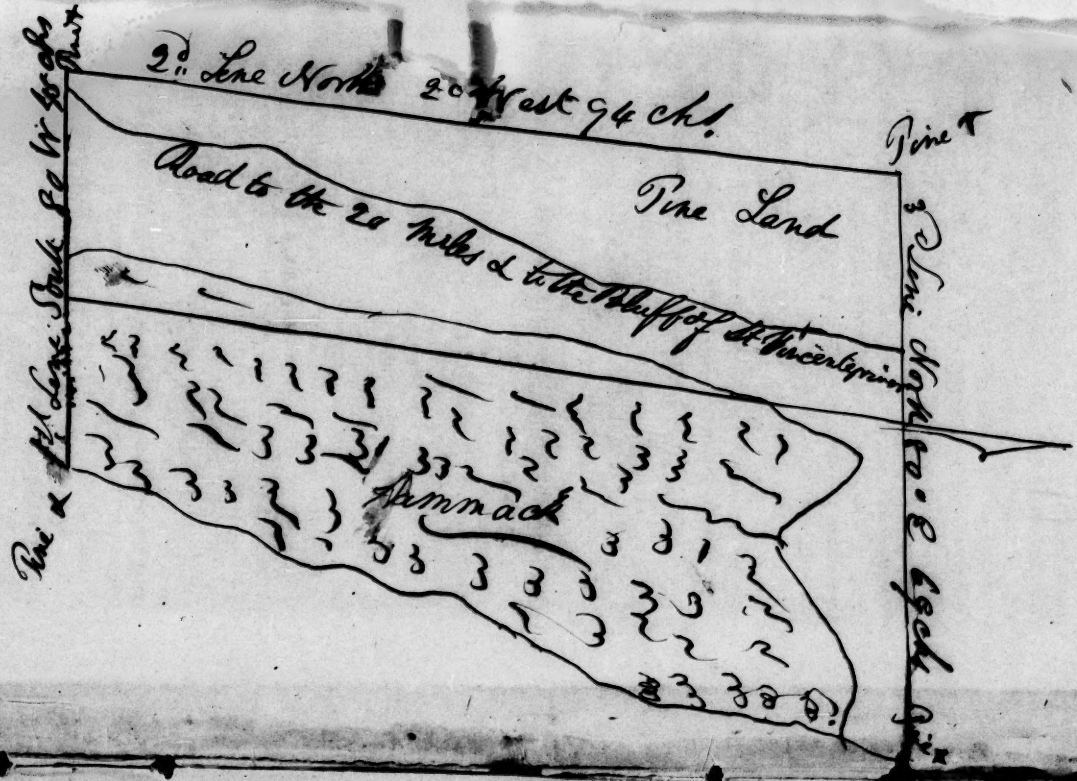
2d Line North 20 West 94 ch.
Pine
Pine Land
Road to the 20 miles & to the Bluff of St Vincents
Pine
3 Line North 80 E. 4 Sch. Lin
Pine
1st Line South 80 W. 80 chs. Lin
Hammock

(For plat, see original.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

No. 13.

Petition of Don Joaquim Sanchez, to amend the title.—Translation.

To his excellency the Governor:

Don Joaquim Sanchez, ensign of the provincial militia, with the respect due to your excellency, says: that agreeably to your permission, granted by decree of nineteenth of April last, the surveyor Don Andres Burgevin has proceeded to the measurement and delineation of the five hundred acres of land, which your petitioner possesses eighteen miles north of this city, as will be shown by the documents which are hereto duly annexed, with a view that your excellency will be pleased to order that they be attached to the first petition upon which the title of property was issued for said land, and that in the original title it be noted, by the escribano, the measurement and dimensions that appear in the plat made by the said surveyor, which favor he doubts of meriting from the justice of your excellency. St. Augustine, Florida, 16th of May, 1820.

JOAQUIM SANCHEZ.

St. Augustine, sixteenth of May, 1820. Granted, as requested.

COPPINGER.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. sup. court, E. D. F.

(Evidence continued.) No. 14.

Second deposition of Antonio Alvarez, taken under commission. Offered and read in evidence on the part of the United States.

TERRITORY OF FLORIDA:

In the name and by the authority of the United States of America. To John C. Cleland and Joseph S. Sanchez, esquires:

Whereas a certain claim to land is now depending in the superior court for the eastern district of Florida, in which said claim Villalobos and Fougéres are claimants, and the United States of America are defendants; and it being necessary to the investigation of said cause to have the testimony of Antonio Alvarez, the said John C. Cleland and Joseph S. Sanchez having been named by the said claimant and the said defendant as commissioners to examine said witness on certain interrogatories—

Know ye, that confiding in your prudence and integrity, you are, by these presents, appointed, and full power and authority are hereby given to you, diligently to examine the aforesaid witness upon certain interrogatories, to be exhibited to you, as well on the part of the said claimants, as on the part of the said defendant, or of either party in said cause; and therefore you are hereby authorized and requested, on a certain day or days, and at a certain place, or at certain places, to cause the said witness to come before you, and then and there to examine each of them, apart, on the said interrogatories, on their corporal oaths, or solemn affirmations, first taken before you, and to take such their examinations, and reduce them to writing, on paper; and when you shall have so taken them, to sign the same with your name, and enclose and seal the whole, together, conformably to the instructions hereunto subjoined.

And you are hereby further requested, that before you act in, or be present at, the swearing, or solemn affirming and examining of any of the said witnesses, you do make oath, or solemn affirmation, that according to the best of your knowledge, you will truly, faithfully, and without partiality to any or either of the parties in said cause, take the examination and deposition of every witness produced and examined, by virtue of this commission, upon the interrogatories hereunto annexed and produced to you; and that you will not publish or make known to any person whatsoever, except the clerk or clerks who may by you be employed and sworn to secrecy in the execution of this commission, the contents of any of the depositions of the witnesses to be taken by you, in this commission named, until publication shall pass by rule or order of said superior court.

Witness the honorable Robert Raymond Reid, judge of our superior court for the district of Florida, this 16th day of October, A. D. 1835.

[L. S.]

K. B. GIBBS, *Clerk.*

Instructions.

When the testimony is taken, the commissioners are required to sign their name at the bottom of each sheet of the depositions, and the whole, after fixing and sealing the several sheets together, then to enclose the whole examination, commission and all, in an envelope, sealed up, with your names written on the outside, across the seal, and to endorse the packet on the corner thereof, with the names of the parties, and so direct the same to Kingsley B. Gibbs, clerk of said court, at St. Augustine, and deliver it to him.

Interrogatories.

District of East Florida, superior court of St. John's county.

THE UNITED STATES } Land claim, 16,000 acres.
ads. }
VILLALOBOS and FOUCHERS. }

The interrogatories to be propounded to Antonio Alvarez, esquire, a witness to be sworn and examined on behalf of the United States, before John C. Cleland, esquire, a justice of the peace.

First. Are you a native of East Florida, or not?

Second. What is your age?

Third. How long have you resided in the city of St. Augustine, East Florida?

Fourth. Did you hold any office in East Florida before the transfer of that province to the United States? If you did, please to state what office, when, and how long?

Fifth. Did you at any time act as clerk in the government secretary's office, or in the office of the escribano, or not? If you did, please to state which, when, and how long?

Sixth. In what office were concessions of lands made and kept in East Florida, before the transfer of that province to the United States?

Seventh. In what office were royal titles (real titles) made and kept in East Florida before said transfer?

Eighth. In what office should the papers now be found deposited, which are referred to in the 6th and 7th preceding interrogatories? Is, or is not, the public archives the proper place of deposit for such papers?

Ninth. Are you the keeper of the public archives of East Florida, or not? If you are, please to state how long you have kept said office.

Eleventh. Please to name the several persons who held and exercised the office of governor of the province of East Florida, between the years 1789 and the year 1821, and the time when each of said persons entered upon the discharge of his duties as such governor, and when they respectively ceased to discharge the said duties.

Twelfth. Is there any order on file in the said archives, under your charge, from the king of Spain, or from the council of the Indies, requiring such governor to render an account of his administration during the time when he held and discharged the duties of said office of governor as aforesaid, or not? If they were, which of them?

Thirteenth. Were any of said governors ever required to render such account or not? If they were, which of them?

Fourteenth. Did any one of said governors ever render such an account, or not? Please to state particularly, and *especially* whether any of said governors ever rendered an account to the king of Spain, or to any of his superior officers, containing the statement of the number of grants or concessions of lands made by said governor, during his administration, with the name or names of each grantee or grantees, and the number of acres granted to each, or not?

Fifteenth. Is there any copy of such an account, made by any governor, now on file in your office, or not?

Seventeenth. Did any one of said governors ever render any account to the king or Spain, captain general, or intendant of Cuba, or any other officer, of the lands granted by him expressly, the single case of the exchange of lands for a vessel, with one Juan Russel, or not?

Eighteenth. Was it the duty of the said governors, respectively, to place on file, in the office of the escribano, the order which he received from his superior officers, or from the king of Spain?

Nineteenth. Please to annex to these interrogatories a copy of a concession, and a copy of a royal title, made by each of the late Spanish governors of this province.

THOS. DOUGLAS,
U. States attorney, &c.

Cross interrogatories to A. Alvarez, esq.

First. Be pleased to state whether or not the first, or original concession, or grant, or decree made by the governor, when a petition, memorial, or application for lands, was not placed to be kept, according to the usage and practice of the government, in the office of the secretary of the government?

Second. Do you know an instance of the first or original concession, grant, or decree, as mentioned in the above cross interrogatory, being placed or deposited, at the making of the same, in any other office than that of the secretary of the government?

Third. Are not the titles, called and known as royal titles, made subsequently to the first or original concession, grant, or decree, and after the performance of conditions thereof, if any there be, and after the surveys, and ascertainment of the boundaries of the original grant or concession, deposited in the escribano's office, and not in that of the secretary of the government?

Fourth. The counsel for the United States, in the 13th interrogatory, asks, whether *any* of the governors of the province of East Florida were required to render an account of his administration; and in the 14th and 17th, as numbered, whether any such account was rendered, especially in respect to grants of lands? be pleased to state whether you have any means of certain information on these subjects; and whether a governor might not have rendered such account, or made other communications to the king, without evidence thereof being now to be found in your office.

Fifth. Might it not be the duty of the governor, in your opinion, to make confidential communications, which *in prudence* he might think should not pass from him, except to the king, or some other superior officer?

Sixth. May you not well suppose that an account of his administration, connected with the hazardous and doubtful state of the province, as it regarded the good faith of a portion of its inhabitants, and its relation to, and danger from, the United States, might be considered of this confidential character?

Seventh. You are asked, in the 18th direct interrogatory, to testify as to the *duty* of the governor, in regard to his disposition of orders and communications which he might receive from the king, or other superiors. Is it not your opinion, from the nature of his office and powers, that it must have been a matter confided to his discretion and judgment,

where and how he should dispose of and deposit such orders and communications, and to whom he should permit them to be disclosed; and is it not evident to you, that when he thought the public interest forbade, or did not require, him to place documents or orders in the escribano's office, that he would not, and ought not, to place them there?

St. Augustine, Oct. 13th, 1835.

JOSEPH L. SMITH,
Attorney for claimants.

8th. I object to the 19th direct interrogatory, as it is called, which is a mere order, and not an interrogatory. The witness is to depose, under oath, and not to select documents, *ad libitum*, from the archives, which may or may not be pertinent to the controversy, or admissible in evidence. But if the witness do select documents from his office, then he is requested to say, whether each and every governor who has granted lands at all, has not made various concessions, upon various and different terms and conditions, and in various and different forms and words?

JOSEPH L. SMITH,
Attorney for claimants.

I object to the 6th, 7th, 8th, 12th, 13th, 14th, 15th, 17th, and 18th interrogatories, because they call for testimony which is believed to be irrelevant and immaterial. There is no 16th interrogatory contained and so numbered in the copy furnished to me.

JOSEPH L. SMITH,
Attorney for claimant.

St. Augustine, 13th Oct., 1835.

Joseph S. Sanchez, esq., is named for commissioner on the part of claimants—testimony to be taken under commission.

JOSEPH L. SMITH.

The United States, by their counsel, object to the 5th, 6th, and 7th cross interrogatories, because they call for the opinion of the witness, which, if given, it is believed, would not be legal or admissible testimony.

THO. DOUGLAS,
U. States attorney, &c.

Answers to interrogatories.

District of East Florida, superior court, St. John's county:

THE UNITED STATES
ads. } Land claim, 16,000 acres.
VILLALOBOS AND FOUGERES.

The answers of Antonio Alvarez, esq'r, keeper of the public archives for the district of East Florida, a witness sworn and examined before the commissioners named in the annexed commission, to the interrogatories propounded to him in the above entitle cause.

To the first direct interrogatory witness answers—I am.

To the second direct interrogatory witness answers—Forty-four.

To the third direct interrogatory witness answers—I have always been a resident of St. Augustine.

To the fourth direct interrogatory witness answers—I was a clerk in the secretary of government's office, since 1807, to the year 1821.

To the fifth direct interrogatory witness answers—I have been the clerk in the governor's secretary's office, as above stated. I acted, in the latter part of the year 1813, and beginning of 1814, as clerk in the escribano's office, by permission from the governor.

Sixth direct interrogatory witness answers—In the governor's secretary's office.

To seventh direct interrogatory witness answers—In the office of the escribano.

To the eighth direct interrogatory witness answers—In the office of the public archives, which now is the proper place of deposit for such papers.

To the ninth direct interrogatory witness answers—I am, since the year 1839.

To the eleventh direct interrogatory witness answers—Vincent Emanuel de Cespidas received the province of East Florida from the British government, on the 12th of July, 1784, and was governor of the said province until the 7th July, 1790. Jean Nepocumeno de Quesada was also governor from July 7th, 1790, until the 7th of March, 1796. Bartolome Morales from the 7th March, 1796, to the 6th of June of the same year, pro tempore. Henry White from the 6th of June, 1796, to the 13th of April, 1811. Juan Jose de Estrada from the 13th March, 1811, to the 11th of June, 1812, pro tempore. Sebastian Kindelan from the 11th of June, 1812, to the 3d of June, 1815. Juan Jose de Estrada from the 3d of June, 1815, to the sixth of January, 1816, pro tempore; and Joseph Coppinger from the 6th of January, 1816, to the 10th of July, 1821, when East Florida was transferred to the Government of the United States.

To the twelfth direct interrogatory witness answers—There is a royal order, dated the 13th of August, 1790, directed to Don Francisco Arriaga, advocate of the audiencia of St. Domingo, and in the event of his decease or other impediment, to Don Francisco Faceada, or Don Luis Carlos Jaen, commissioning them to investigate (tomar residencia) the acts of Brigadier Don Juan Nepomuceno de Quesada, for the time he was civil and military governor of East Florida, his lieutenants, ministers, &c.

To the 13th direct interrogatory witness answers—No other governor except Quesada.

To the fourteenth direct interrogatory witness answers—Not that I know of. None of the governors, so far as I have been able to ascertain, ever rendered an account to the King, or any other authority, containing a statement of the number of grants or concessions of lands made by them.

To the fifteenth direct interrogatory witness answers—There is no such document on file in the office under my charge.

To the seventeenth direct interrogatory witness answers—No.

To the 18th direct interrogatory witness answers—The practice of the governors was, and I believe it to have been their duty, to place on file, in the office of the secretary of the government, the orders which they receive from their superior officers, or from the King of Spain.

To the nineteenth direct interrogatory witness answers—I hereto annex a copy, marked No. 1, of a concession made by Governor Zespedes; also No. 2 and 3, concession and title by Governor Quesada; also No. 4, concession by Morales; also No. 5 and 6, concession and title by White; also No. 7 and 8, title and concession by Estrada; also 9 and 10, title and concession by Kindelan; also 11 and 12, title and concession by Estrada; and No. 13 and 14, concession and title by Coppinger.

Cross interrogatories.

To the first cross interrogatory witness answers—It was.

To the second cross interrogatory witness answers—No.

To the third cross interrogatory witness answers—Yes.

To the fourth cross interrogatory witness answers—My means of information are the official correspondence now on file in the office under my charge, and the knowledge I obtained while I was a clerk in the office of the secretary of the government. With respect to "Whether a governor might not have rendered an account, or made other communications to the King, without evidence thereof being now to be found in my office?" I can only say, that I believe that if such communications had been made, some evidence of it would be found in the correspondence, with the authority to which it had been directed.

To the fifth cross interrogatory witness answers—It might have been so, but the confidential communications, called in Spanish (*conservados*,) are on file in the office under my charge.

To the sixth cross interrogatory witness answers—It might be supposed, but I believe that the evidence of communications, of a confidential nature, called in Spanish (reservados,) made by the governors, was filed in the office of the secretary of the government.

To the seventh cross interrogatory witness answers—It might have been so.

To the eighth cross interrogatory witness answers—Yes.

ANTONIO ALVAREZ.

Territory of Florida, county of St. John's.

We do certify, that after having been sworn ourselves, we did proceed to examine the witness named in the annexed interrogatories, on oath, and his answers thereto are hereunto correctly and truly set forth.

JOHN C. CLELAND,
JOS. S. SANCHEZ, *Commissioners.*

Documents appended to said commission.

No. 1.

Grant by Gov. Zespedes.—Translation.

Senor Governor and Captain General: James Clarke, received under Spanish protection, with the greatest respect to your excellency says, that

wishing to occupy himself at some work, in order to be able to support his family, and knowing that planting is the easiest for the purposes stated, therefore he supplicates your excellency will be pleased to grant him your superior permission, in order that he may effect it with three negroes, upon a piece of land which is situated, and contains three hundred acres, situated about twelve miles south of this city, called, in British times, Bloody point; which favor he hopes to merit from the infinite goodness of your excellency.

St. Augustine, Florida, 19th of August, 1788.

JAS. CLARKE.

St. Augustine, Florida, 20th of August, 1788. Granted without injury to third persons, until the will of the sovereign be known on the subject of distribution or for a new decision of mine.

ZESPEDES.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and tran. sup. court, E. D. F.

No. 2.

Grant by Governor Quesada.

Senor Governor and Commander-in-chief: Don Artemas Elliot Ferguson, received a subject of his majesty, with all due respect to your excellency, supplicates that you will be pleased to grant him that quantity of land which may correspond to himself and twenty-seven negroes, his slaves, upon the river St. John's, north of Doctor's lake, which land is actually vacant. Favor which he hopes to obtain from the impartial justice of your excellency.

St. Augustine, Florida, 6th of May, 1791.

ARTS. ELL'T FERGUSON.

ST. AUGUSTINE, FLORIDA, *6th of May*, 1791.

The petitioner will settle himself upon the vacant lands which he solicits, until the appointment of surveyor be made, it be measured to him and title be given him for the number of acres that may correspond to himself and family.

QUESADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r. and Trans. sup. court, E. D. F.

No. 3.

Royal title from Gov. Quesada—Translation.

Concession to Alemas Elliot Ferguson.

Don Juan Nepomuceno de Quesada, colonel of the royal armies, governor and commander-in-chief of this city and province of St. Augus-

tine, Florida, by his majesty, I say, that consequent to the royal order communicated to this government on the twentieth of October of last year, one thousand seven hundred and ninety, by his lordship Don Luis de las Casas, governor and captain general of the island of Cuba, and two Floridas, which provides to those foreigners, who, of their own accord should come forward to swear vassalage to our sovereign, there will be granted and measured lands gratis, in proportion to the workers which each family might have, with the rest that is expressed by said royal orders. The new inhabitant, Don Artemas Elliot Ferguson, having presented himself, whose family consist of twenty-two persons as he has stated under oath, in the following manner: husband, wife, and twenty negro slaves, for which family there have corresponded to him thirty-four cabellerias and seventeen acres of land, at the plantation called Harmony house; the first line runs south forty-five degrees west, commences at a gum on the margin of Doctor's creek, and ends at a pine with a cross, containing in measurement one hundred and twelve chains; the second line runs south forty-five degrees east, commences at said pine, and ends at a cypress with the same mark, containing in measurement eighty chains; the third line runs north, sixty-five degrees east, commences at said cypress at the margin of Black creek, and ends at a stake with the mark of a cross, on the edge of Doctor's creek, measureing one hundred and twenty-six chains, its front runs along said creek. Wherefore, I have thought proper to grant, as in the name of his majesty and of his royal justice, which I administer, I do grant, the said thirty-four caballerias and seventeen acres of land, acccording to the certificate given by Captain Don Pedro Marrot, of the 3d battalion of the regiment of infantry, of Cuba, commissioned for that purpose, which concession I make to the aforesaid Don Artemas Elliot Ferguson, under the boundaries and survey aforesaid, with the following conditions:

First. That the said Artemas Elliot Ferguson, his heirs, or successors, shall within two years, calculated from this date, build upon the said land a house, with a chimney, in proportion to his means and family; that it shall be the duty of the same to keep the aforesaid land cleared and cut down for the purpose of planting, as also to have within the term of three years, at least five head of horned cattle for each fifty acres of land that may not be suitable for planting; and that if ever any part of it should be required for public works or fortifications, it should be granted on condition of being rewarded with an equal quantity at some other place of his choice that is vacant, or the value thereof will be vacant him according to appraisement; and finally, although the grant is made in perpetuity, the receiver of it, nor his representatives, shall not alienate or transfer it to other dominion until the expiration of ten years possession, and even then the first sale must be effected with the knowledge and permission of the government, or otherwise it shall be void, though of the fruits and other things which may be on the lands, and which may have been procured by the settler's industry, he may dispose of the same without the said permission of the government at any time; under which conditions, and not without them, I cede, renounce, and transfer to the

[illegible] Don [illegible] Governor [illegible] [illegible], and [illegible] [illegible] [illegible]

by the planter's not putting some obstacle to prevent any animal from going in, he exposes himself to the loss of his plants. I think it expedient to permit the petitioner to make a fence of three slender rails, in imitation of those which have been permitted to persons who are between the line and fort; this being sufficient obstacle to prevent the entrance of animals, but with the advertency that immediately upon the order of the government to throw down said fences, he shall do with the greatest promptitude.

There is no inconvenience to the fortification that your excellency should grant the four acres which he solicits, on condition that it be for planting such plants as are not calculated to conceal people, and that he be not permitted to dig ditches upon it, nor build houses, which is all that I can inform your excellency of in compliance with your preceding decree, that you may be pleased to determine what may be your pleasure.

St. Augustine, 29th of April, 1796.

PEDRO DIAZ Y BERRIO.

ST. AUGUSTINE, FLORIDA, *29th of April*, 1796.

The four acres of land solicited by the petitioner are granted to him, which grant is temporarily made until the time of making the regular survey, but in using and planting it he will confine himself strictly to the conditions contained in the preceding report.

MORALES.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r and Translator sup. court. E. D. F.

No. 5.

Concession made by Gov. White—Translation.

Senor Governor: Don Bernardo Segui, a resident of this city, with due respect to your excellency, says, he has an intention of forming a settlement at which he may raise stocks of cattle, horses, and hogs, with a portion of plantable land to raise thereupon such crops as the country will grow, he requires a portion of land whereupon he may make said settlement; and whereas, at the south of Deep creek, there are considerable quantities of vacant land to be found appertaining to his majesty, therefore he supplicates your excellency will be pleased to grant him one thousand two hundred acres of land at the place aforesaid, bounding on the south by those which have been granted to Don Bartolome de Castro y Ferrer, and running along the road to St. Vicente Ferrer, eastwardly, towards Pablo creek, in consideration of the number of family and slaves which he at present has; which favor he promises himself from the justice of your excellency.

Florida, 14th of January, 1801.

BERNARDO SEGUI.

[illegible] of February, 1803. [illegible]

WHITE.

Senor Governor: There results no inconvenience to the defence of the province from the settlement for grazing cattle, which the petitioner intends to make upon the lands in the neighborhood of Big creek, which runs south of St. Vicente Ferrer, and empties into Pablo creek, nor from cultivating those that may be suitable for the crops grown in the province, but improvement of the province resulting from such establishments; for which reason, if it be your excellencie's pleasure, you can grant the petitioner the number of acres which he asks for, as they are vacant at present, as he states in his petition. It is all that I can inform your excellency of in compliance with your preceding decree.

St. Augustine, fifteenth of January, eighteen hundred and one.

PEDRO DIEZ BERRIO.

St. Augustine, 15th of January, 1801.

Granted to this party the lands which he solicits, without injury to third persons, and until, according to his family, there be measured to him that which corresponds to him.

WHITE.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r and Tran. Sup. court, E. D. F.

No. 6.

Royal Title by Governor White.—Translation.

Don Enrique White, colonel of the royal army, civil and military, governor and chief of the royal exchequer, of this city of St. Augustine, Florida, and its province, by his majesty:

Whereas, in royal order, communicated to this government on the 29th of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba, and two Floridas, it is provided, among other things, that to the strangers who of their own accord should present themselves to swear vassalage to our sovereign, there should be granted and measured lands, gratis, in proportion to the workers that each family might have. That Don Domingo Fernandez having presented himself with one of those, he solicited of the government, and they were granted, measured and delivered to him, one hundred and fifty acres, at the plantation called Repecho Amarillo, situated on Emily island, in this province, bounding on the north by a creek, which makes the point of said land; on the south by lands of the said Fernandez; on the east by those of Don Andrew Atkinson; and on the west by the waters of the St. Mary's river, according to the certificate given by Don Juan Purcell, private surveyor, and its plat annexed thereto, and also from the certifi-

entertained by the office of the secretary of the government, all of which is annexed to the proceeding which Don Domingo Fernandez has instituted, soliciting that there should be issued to him the corresponding title of said land. And whereas he has made it appear in the said proceedings that more than the ten years of uninterrupted possession have elapsed established in order to obtain the useful and direct possession of the above said lands, built houses upon, and cultivated them, and finally complied with all the other conditions established by the government, for the grants and concessions of this nature, to be seen in the titles issued to other persons. Wherefore, and in consideration of all which, having first had the advice of my lieutenant auditor of war and assessor general, I have thought proper to grant, as in the name of his majesty and of the royal justice which I administer, I do grant, to the said Don Domingo Fernandez, the one hundred and fifty acres of land, of which the above mentioned plantation consists, for himself, his heirs and successors, in absolute property, and in issuing to him, as by the present I do, the corresponding title, by which I divest the royal exchequer of the right and dominion which it had to said land, and I seal and transfer it to the aforesaid Don Domingo Fernandez, his children, and heirs and successors, that in consequence thereof, they may possess it as their own, use and enjoy it, free of incumbrance, with all its inlets, outlets, uses, customs, rights and services, which it had, has, and of right and in law thereto appertain or may belong; and it being their will, they may sell, cede, transfer and alienate the same, as may best suit them. To all of which I interpose my authority, as far as I can, and of right ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano of the government, and royal exchequer, in this city of St. Augustine, Florida, the nineteenth of August, one thousand eight hundred and seven.

ENRIQUE WHITE.

By order of his excellency, JOSE DE ZUBIZARRETA,
Escribano of the government.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Trans. Sup. Court, E. D. F.

No. 7.

Royal Title by Governor Estrada.—Translation.

Don Juan Jose de Estrada y Toro, lieutenant colonel of the army, commander of the third battalion of Cuba that garrison the city of St. Augustine, civil and military governor, and chief of the royal exchequer, pro tem., of it and its province:

Whereas, in royal order communicated to this government, on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba, and two Floridas, it is provided, among other things, that to the strangers who of their own accord

should present themselves to swear knowledge to his foreigne, there should be lands measured, gratis, in proportion to the workers that such family might have. That Don Samuel Meres having presented him, and having solicited of the government, there were granted to him, under date of the sixteenth of March, one thousand seven hundred and ninety-nine, two hundred acres of land on Tiger island, in this province, according to the number of family which he declared under oath, as appears from the certificate of the same date of the secretary of this said government, which certificate is annexed to the proceeding instituted by Doña Margarita Meres, widow of the said Don Samuel Meres, soliciting that there should be issued to her, and to the children that have been left by the death of her said husband, the title corresponding to this land, of which he is in possession; and as there had been no title whatever issued for security and proof of her dominion to the said land, in the manner it was executed to others. That there has already elapsed more than the ten years of uninterrupted possession, to obtain the useful and direct dominion to the aforesaid lands, made buildings thereupon, cultivated them, and finally complied with all the other conditions which the government established for the grants and concessions of this nature, to be seen in the titles issued to other settlers, as set forth in the said proceeding. Therefore, and in consideration of all of which, I have thought proper to grant, as in the name of his majesty, and of his royal justice, which I administer, I do grant, to the aforesaid widow, Doña Margarita Meres, and her children, the aforesaid two hundred acres of land on Tiger island, in absolute property; and in issuing to them, as by the present I do, the corresponding title, by which I divest the royal exchequer of the right and dominion that it had to said land, and I cede and transfer it to the aforesaid widow and children of the deceased, Don Samuel Meres, and to whom may succeed them, that in consequence thereof, they may possess it as their own, use and enjoy it free of all incumbrance, with all its inlets, outlets, uses, customs, rights and services, which it had, has, and of right thereto appertain and may belong; and it being their will, they may sell, cede, transfer, and alienate the same, as may best suit them. To all of which I interpose my judicial authority, as far as I can, and of right ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano of the government and royal exchequer, of this city of St. Augustine, Florida, on the seventeenth of October, one thousand eight hundred and eleven.

JUAN JOSE DE ESTRADA.

By order of his excellency, JOSE DE ZUBIZARETTA,
Escribano of the government.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Interpreter and Translator sup'r court, E. D. F.

No. 8.

Concession by Governor Estrada.—Translation.

Senior Governor: Don Gabriel Guillermo Perpall, for himself and his brother-in-law, Doña Mariana Sam, before your excellency, with due respect, says, that since he settled in this province he has purchased five negroes of Don Charles Clarke; of Doña Constanta McFee, four; of Don James Kerr, seven; of John Wiggins, one; and that he has had six born, which make twenty-three. Those of my mother-in-law are nine whites in the family, and ten negroes, which she has added to those of your petitioner, which make in all thirty-three, of whom there are nine from one to eight years, the rest are men and women, for which I supplicate your excellency will be pleased to grant him the land appertaining to them, and are four hundred and fifty acres in the Mosquito territory, in front of his plantation, bounding on the north with Don Juan Addison, and on the south by the Tomoka river, which in English they call the Ferry, and the remaining five hundred and thirty-five acres in the territory of Matanzas, in Sam's hammock, at the place known as that granted to Doctor D. Valentine Fitzpatrick, who, not having taken possession of them, are vacant; which favor he hopes for from the goodness of your excellency.

St. Augustine, Florida, 17th of August, 1811.

GABRIEL G. PERPALL.

St. Augustine, 17th of August, 1811.

Granted to the interested in this petition, nine hundred and eighty-five acres of land, at the places where he solicits them, and which are those which justly correspond to the nine whites and thirty-three slaves aforesaid, in this petition; all without injury to third persons.

ESTRADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

No. 9.

Royal title by Governor Kindelan.—Translation.

Don Sebastian Kindelan y Oregan, knight of the order of St. James, brigadier of the national armies, military governor, and civil chief of the royal exchequer of this city of St. Augustine, Florida, and its province.

Whereas, by royal order communicated to this government on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba and two Floridas, it is provided, among other things, that to the foreigners, who of their own accord present themselves to swear vassalage to our sovereign, lands should be granted gratis, in proportion to the workers that each family might have; that Don Domingo Fernandez having presented himself as one of them,

he solicited of the government, and there were granted to him, one hundred acres of land more than what had been granted to complete the quantity which corresponded to him, according to the family which he, under oath, declared, as will appear from the certificate given by this secretary's office of government, which is annexed to the proceedings which have been moved by Don Santos Rodriguez, as general attorney of said Fernandez, soliciting there should be issued to him that corresponding to this land of which he is in possession, and is situated on Amelia island, in this province; bounding on the north by other lands of the grantee, on the east by lands of Don Juan McClure; on the south by others of Dona Isabel Jordine; and on the west by the waters of the St. Mary's river, as appears from the certificate and plat of the private surveyor Don Juan Purcell annexed to the said proceedings, and whereas there had been no title issued to the said Don Domingo Fernandez, for the security and dominion to said land, in the manner it had been done to others; that there have already elapsed more than the ten years of uninterrupted possession necessary to obtain the useful and direct dominion to said lands, and complied with all the other conditions which the government established for the grants and concessions of this nature, to be seen in the titles issued to other settlers, as set forth in the said proceedings. Therefore, and in consideration of all of which, I have thought proper to grant, as in the name of his majesty I do grant, to the said Don Domingo Fernandez, the aforesaid one hundred acres of land, for himself, his heirs, and successors, in absolute property; and in issuing to him, as by the present I do, the corresponding title, by which I divest the national exchequer of the right and dominion which it had to said land, and I cede and transfer it to the said Don Fernandez, his heirs, and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it free of incumbrance, with all its inlets, outlets, uses, customs, rights, and services, which it had, has, and of right and in law thereto appertain, or may belong; and it being their will, they may sell, cede, transfer, and alienate the same, as may best suit them. To all of which I interpose my authority, as far as I can, and of right and in law ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano pro tem. of the government, in this city of St. Augustine, Florida, the first of September, one thousand eight hundred and thirteen.

SEBASTIAN KINDELAN.

By order of his lordship:

JUAN DE ENTRALGO,

Escribano of the government, pro tem.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,

In. and trans. sup. court, E. D. F.

No. 10.

Concession by Governor Kindelan.—Translation.

Senor Governor: William Bardin, an inhabitant of this province, to your excellency, with due respect, says: That his occupation is that of a planter, and wishing to cultivate for their support of his family, consisting of his wife, three children, and one slave, he requires that there be granted to him three hundred and fifty acres of land, of those that are vacant on the margin of the river St. John's, and at the place known by the name of *Micollar Point*, bounding on the north by lands of Don Edward Wanton; on the west by the river St. John's; on the south by vacant lands. Wherefore he supplicates your excellency will be pleased to grant him the land which he solicits, according with what is established in concessions of this nature; favor which he hopes to obtain from the known justice of your excellency.

St. Augustine, 17th of March, 1815.

WILLIAM BARDIN.

ST. AUGUSTINE, 17*th of March*, 1815.

Granted to this party, at the place where he solicits, two hundred acres of land, without injury to third persons, which are those that correspond to him according to the number of his family set forth by him; issuing to him, through the secretary's office, the necessary certificate.

KINDELAN.

A certificate was given, fha ut supra.

(A flourish.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Tran. Sup. court, E. D. F.

No. 11.

Royal title by Governor Estrada.—Translation.

Don Juan Jose de Estrada y Toro, lieutenant colonel of the royal armies, commander of the 3d battalion of the regiment of infantry of Cuba, civil and military governor pro tem., and chief of the royal exchequer of this city of St. Augustine, Florida, and its province.

Whereas, by royal order communicated to this government on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba and two Floridas, it is provided, among other things, that to strangers, who of their own accord should present themselves to swear vassalage to our sovereign, there should be lands granted in proportion to the workers that each family might have. And Don Bartolome de Casro y Ferrer, of this city, having presented himself, he solicited from the government, and there were granted to him on the twentieth of August, one thousand eight hundred and two, three hundred acres of land on Amelia Island, at the place called Beach Hammock; which lands bound on the north by vacant lands; on the east by

he solicited of the government, and there were granted to him, one hundred acres of land more than what had been granted to complete the quantity which corresponded to him, according to the family which he, under oath, declared, as will appear from the certificate given by this secretary's office of government, which is annexed to the proceedings which have been moved by Don Santos Rodriguez, as general attorney of said Fernandez, soliciting there should be issued to him that corresponding to this land of which he is in possession, and is situated on Amelia island, in this province; bounding on the north by other lands of the grantee, on the east by lands of Don Juan McClure; on the south by others of Dona Isabel Jordine; and on the west by the waters of the St. Mary's river, as appears from the certificate and plat of the private surveyor Don Juan Purcell annexed to the said proceedings, and whereas there had been no title issued to the said Don Domingo Fernandez, for the security and dominion to said land, in the manner it had been done to others; that there have already elapsed more than the ten years of uninterrupted possession necessary to obtain the useful and direct dominion to said lands, and complied with all the other conditions which the government established for the grants and concessions of this nature, to be seen in the titles issued to other settlers, as set forth in the said proceedings. Therefore, and in consideration of all of which, I have thought proper to grant, as in the name of his majesty I do grant, to the said Don Domingo Fernandez, the aforesaid one hundred acres of land, for himself, his heirs, and successors, in absolute property; and in issuing to him, as by the present I do, the corresponding title, by which I divest the national exchequer of the right and dominion which it had to said land, and I cede and transfer it to the said Don Fernandez, his heirs, and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it free of incumbrance, with all its inlets, outlets, uses, customs, rights, and services, which it had, has, and of right and in law thereto appertain, or may belong; and it being their will, they may sell, cede, transfer, and alienate the same, as may best suit them. To all of which I interpose my authority, as far as I can, and of right and in law ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano pro tem. of the government, in this city of St. Augustine, Florida, the first of September, one thousand eight hundred and thirteen.

SEBASTIAN KINDELAN.

By order of his lordship:

JUAN DE ENTRALGO,
Escribano of the government, pro tem.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and trans. sup. court, E. D. F.

No. 10.

Concession by Governor Kindelan.—Translation.

Senor Governor: William Bardin, an inhabitant of this province, to your excellency, with due respect, says: That his occupation is that of a planter, and wishing to cultivate for their support of his family, consisting of his wife, three children, and one slave, he requires that there be granted to him three hundred and fifty acres of land, of those that are vacant on the margin of the river St. John's, and at the place known by the name of *Micollar Point*, bounding on the north by lands of Don Edward Wanton; on the west by the river St. John's; on the south by vacant lands. Wherefore he supplicates your excellency will be pleased to grant him the land which he solicits, according with what is established in concessions of this nature; favor which he hopes to obtain from the known justice of your excellency.

St. Augustine, 17th of March, 1815.

WILLIAM BARDIN.

ST. AUGUSTINE, 17*th of March*, 1815.

Granted to this party, at the place where he solicits, two hundred acres of land, without injury to third persons, which are those that correspond to him according to the number of his family set forth by him; issuing to him, through the secretary's office, the necessary certificate.

KINDELAN.

A certificate was given, fha ut supra.

(A flourish.)

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
In. and Tran. Sup. court, E. D. F.

No. 11.

Royal title by Governor Estrada.—Translation.

Don Juan Jose de Estrada y Toro, lieutenant colonel of the royal armies, commander of the 3d battalion of the regiment of infantry of Cuba, civil and military governor pro tem., and chief of the royal exchequer of this city of St. Augustine, Florida, and its province.

Whereas, by royal order communicated to this government on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba and two Floridas, it is provided, among other things, that to strangers, who of their own accord should present themselves to swear vassalage to our sovereign, there should be lands granted in proportion to the workers that each family might have. And Don Bartolome de Castro y Ferrer, of this city, having presented himself, he solicited from the government, and there were granted to him on the twentieth of August, one thousand eight hundred and two, three hundred acres of land on Amelia Island, at the place called Beach Hammock; which lands bound on the north by vacant lands; on the east by

sand hills of the beach; on the south by lands of Don Guillermo Lawrence; and on the west by pine land, subject to overflow, which is vacant; measuring on the north eighty degrees east, eighty chains, south eighty degrees west, thirty-seven chains and a half, and north ten degrees west, eighty chains, as appears from the certificate and plat of the surveyor, Don George Clarke, which, with the other documents presented in the concession, are annexed to the proceedings moved by the petitioner, soliciting there should be issued to him the corresponding title of property, in which it has been made to appear that more than the ten years of possession has already passed without interruption, to enable him to obtain the useful and direct dominion to the said lands; that he has made houses upon them, cultivated them, and finally, that he has complied with all the other conditions which the government established for the grants of this nature, to be seen in the titles issued to the new settlers. Therefore, and in consideration of all of which, first having had the advice of the auditor of war, I have thought proper to grant, as in the name of his majesty I do grant, to the said Don Bartolome de Castro y Ferrer, the three hundred acres of land, for himself, his heirs, and successors, in absolute property; and in issuing to him, as by the present I do, the present corresponding title, by which I divest the royal exchequer of the right and dominion which to said land it had, and I cede and transfer the same to the said Bartolome Castro y Ferrer, his heirs, and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it free of incumbrance, with all its inlets, outlets, uses, customs, rights, and services, which it had, has, and of right and in law thereto may appertain or belong; and, it being their will, they may sell, cede, transfer, and alienate it as it may best suit them. To all of which I interpose my authority, as far as I can, and of right and in law ought to, in the virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano pro tem. of the government and royal exchequer, in this city of St. Augustine, Florida, the fourth of July, one thousand eight hundred and fifteen.

JUAN JOSE DE ESTRADA.

By order of his excellency:

JUAN DE ENTRALGO,

Escribano pro tem. of the government and royal exchequer.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,

In. and Tran. Sup. court, E. D. F.

No. 12.

Concession by Governor Estrada.—Translation.

Senor Governor: Lewis McPier, a native and inhabitant of this province, with the respect due to your excellency, appears and says: That in consequence of the revolution of this province at the commencement

of eighteen hundred and twelve, he was obliged to retire with his numerous family from the main land, where he was settled upon his plantation enjoying a good and sufficient living, which he abandoned to the ruinous incursions of the insurgents, in order to preserve, by his services upon this island, his character for fidelity to the government which he has always supported, as will appear by the certificates of the commandant, Don Francisco Rivera, and the captain of the district, Don Philip Hebart Younge, which are deposited in that office of the secretary of the government; and that revolution having subsided, he returned to his said plantation to commence anew his improvements; finding them annihilated, his stock and other property also destroyed, which [in] his precipitate flight to this place he was obliged to leave there, and having in part regained his losses, he was overcome by the new revolution of the latter part of eighteen hundred and thirteen, which compelled him to return to this post, leaving his all to new ruin; and as he is unable to return to his said plantation for want of means, as well as the insecurity that yet exists on the main land on this frontier, he supplicates your excellency will be pleased to grant him a piece of land that there is vacant upon Amelia island, between the lands of Don Domingo Fernandez and Don Santiago Cashen, which contains three hundred acres, composed of pine land covered with water, with only about from thirty to forty acres of land fit for cultivation, and the remainder, which can only serve as pasture for his stock. Favor which he hopes, in consideration of his services, and ruined situation, to merit from the goodness of your excellency.

Fernandina, 12th of September, 1815. LUIS MATTAIR.

St. Augustine, 26th of September, 1815.

Referred to the civil and military commandant of Amelia island, that he may report what he may know respecting this petition, and, having done so, let the proceedings be returned with the certificates which the petitioner obtained, of the lands which he proposes to transfer, that at sight thereof I may decree what may be convenient.

ESTRADA.

Señor Governor:

In compliance with the preceding decree, I summoned the petitioner, and after being informed thereof, he has answered that it is not his intention to make a relinquishment of the land which he has upon the main land, considering it as his own property, but as the circumstances of the little safety that there is in cultivating them, until it be more settled in that part, he hopes, from the goodness of your excellency, for the favor which he solicits of the new land which he asks for upon this island, and is vacant; and, for the greater security, the surveyor, Don George Clarke, will state what he knows on the subject, in order that at sight of what may be stated, your excellency may be pleased to make said concession to this inhabitant, he being very worthy of it, as I am informed.

Fernandina, 21st October, 1815. BENITO DE PENGUA.

Senior Commandant:

The land solicited by the petitioner is situated about three miles from this town, south; it is, as he states, of inferior quality, and vacant. Fernandina, ut supra.

JORGE J. F. CLARKE.

St. Augustine, 24th of October, 1815.

Seeing the preceding reports, there are granted to the petitioner the three hundred acres of land at the place where he solicits them, without injury to third persons; and for which, let there be issued, through the secretary's office, the corresponding certificate, which will serve him as security.

ESTRADA.

A copy was given.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trun. of sup'r court, E. D. F.

No. 13.

Concession by Governor Coppinger.

Translation.

Senior Governor:

David S. Miller, an inhabitant of the river St. John's, residing at this post, with due respect to your excellency, says, that finding himself obliged to avail himself of means which would procure him the support of his large family, he supplicates your excellency will be pleased to grant to him two hundred and fifty acres of land, which is situated, bounding with that of McGirt, on the north side in the neighborhood of a swamp called Cedar swamp, which land being vacant, the petitioner offers to clear and cultivate it according with what is provided in these concessions, in order to obtain the enjoyment of the corresponding property—favor which he hopes to obtain from the benignity of your excellency. St. Nicolas, 24th of February, 1817.

D. S. H. MILLER.

St. Augustine, 18th of March, 1817.

Granted to the interested the two hundred and fifty acres of land at the place where he solicits them, without injury to third persons; and, for that effect, let there be issued to him, through the office of the secretary, the necessary copy, certified of this proceeding, for his security.

COPPINGER.

It was issued.

AGUILAR.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trun. sup'r court, E. D. F.

No. 14.

Royal title by Governor Coppinger.

Translation.

Don Jose Coppinger, colonel of the royal armies, civil and military, governor pro tem., and chief of the royal exchequer of this city of St. Augustine, Florida, and its province: Whereas, by royal order, communicated to this Government on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba and two Floridas, it is provided, among other things, that to foreigners, who, of their own accord, should present themselves to swear vassalage to our sovereign, there should be lands granted gratis, in proportion to the workers that each family might have. That Don Samuel Williams having presented himself as one of those, he solicited of the government, and there were granted to him, on the twenty-first of July, one thousand eight hundred and three, three thousand two hundred acres of land, upon Halifax river, at the plantation called Penman, bounding on the east by said river, on the north by a canal, on the south and west by various lands; its measurement north thirty degrees west, one hundred and three chains thirty links; and south fifty-five degrees west three hundred and nine chains ninety links, as appears by the certificate given by the provisional surveyor, Don Juan Purcell, commissioned for the purpose by this said government, dated the tenth of January, one thousand eight hundred and four, with the corresponding plat executed in continuation thereof. And, whereas, there had been no title issued to him for security and appearance of his dominion to the said aforesaid land, in the manner it has been done to others, to obtain the useful and direct dominion to the said lands; that he has put up buildings upon them, cultivated them, and finally complied with all the other conditions which the government has established for the grants and concessions of lands of this nature, to be seen in the titles issued to other settlers, as is set more fully and circumstantially in the petition presented by Doña Anna Maria Hill, widow of the aforesaid Don Samuel Williams, soliciting that there should be issued to her the corresponding title of said land, which was ordered to be issued by her, by the advice of the auditor of war, by decree of the twenty-first of December, one thousand eight hundred and thirteen.

Therefore, and in consideration of which, I have thought proper to grant, as in the name of his majesty I do grant, to the said Doña Ana Maria Hill, the aforesaid three thousand two hundred acres of land, in absolute, for herself and the other heirs of the said Don Samuel Williams, deceased, and their successors; and in issuing to her, as by the present I do, the corresponding title by which I divest the royal exchequer of the right and dominion which to said land it had, and I cede and transfer it to the aforesaid heirs of Williams and successors, that in consequence thereof they may possess it as their own, use and enjoy it, free of incumbrance, with all its inlets, outlets, uses, customs, rights, and services, which it had, has, and of right and in law thereto appertain, or may belong, and it being their will, they may sell, cede, transfer, and

alienate the same, as may best suit them. To all of which I interpose my authority, as far as I can, and of right and its law ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned, escribano of the government and royal exchequer of this city of St. Augustine, Florida, the eighteenth of April, one thousand eight hundred and seventeen.

JOSE COPPINGER.

By order of his excellency.

JUAN DE ENTRALGO,
Escribano of the Government and Royal Exchequer.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r and Trans. sup'r court, E. D. F.

No. 15.

Offered and read in evidence on the part of the United States.

Marrot's appointment as surveyor.

Translation.

In order to put in execution what has been communicated to me by superior authority, on the 29th of October last, relative to settling this province, and what was determined at a meeting of the royal exchequer of the thirty-first of August last, I have thought proper to appoint you judge commissioner for the general measurement of these lands, which will be executed by the public surveyor, Don Samuel Eastlake. All in accordance with the annexed papers, under numbers 1 and 2.

I have ordered the royal exchequer, that, for the payment of salaries and extra allowances to sailors and galley men, you should furnish monthly a certificate of the days of actual service, to which you will add the days that yourself and the surveyor may be engaged, in order to make the assignment of your respective allowances, which are, that of four dollars per day to the surveyor and two to yourself.

The sailors and galley men are rationed to the last of this month, and the quartermaster at St. Vicente Ferrer will continue to furnish them from those provisions from the first of next month, under proper receipts, in accordance with orders now issued to him.

And, as I have nothing further to say, but to charge your zeal and capacity for the king's best service, you may forthwith enter upon the discharge of your commission, with your dependants, with the least possible delay. God preserve you many years.

"SENOR DON PEDRO MARROT."

St. Augustine, Florida, 24th of October, 1791.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r & Trans. Sup. Court, E. D. F.

No. 16.

Instructions to D'n Pedro Marrot.

Offered and read in evidence on the part of the United States.

Translation.

Instructions that are given to Captain D'n Pedro Marrot of the battalion of the regiment of the infantry of Cuba that garrison the city of St. Augustine, Florida, elected by the government by agreement with the meeting of ministers, to preside over the measurement and demarcation of lands that are to be made by order of his majesty in favor of the new settlers:

1st. He will take with him the public surveyor, and will be careful that the measurements be made restricting them to their titles, and to what has been ordered by edict, of which a copy is annexed in paper number 1, which will give much light.

Second. He will also take with him a canoe with two field tents, two tarpaulings, four sailors, and two laborers, to assist in the necessary work, with the allowance of four dollars for the first, and two the last; and, in case of sickness or discharge of any of them, he may supply their places, notifying it to the government, and keep an account of their dues in a book which he will keep for that purpose.

Third. He will also take another larger book to register the distributions that are made, with the names of the whites of each family, and the number of slaves, with a statement of the age and sex of each individual, white or colored.

Fourth. He will not permit the transfer of persons entitled to receive lands to those appertaining to other places, and in general those who have not been admitted by the government to the oath of fidelity, and therefore declared to be entitled to them. To obviate fraud in this particular he will receive the oath of all pretenders to lands, respecting the number of his family; and they will all be notified that if, in future, fraud be practised they will be exposed to the reduction of lands that the government may think convenient.

Fifth. The minors who are married, and residing with their parents, may take the part corresponding to them; but they will be notified that it shall be forever, and it will be noted in the book the number of acres appertaining to each one.

Sixth. He will inform all the grantees, very particularly, that certain requisites are to precede, in order for them to consider themselves as proprietors in full right, and for it to be lawful for them to dispose of what is now granted to them, he will direct them to the office of the secretary of this government for the respective titles in which they will be notified what is convenient.

Eighth. Those who obtain lands shall not make exchanges or transfers without the knowledge of the government, in order that just measures may be taken in that particular by which to avoid confusion.

Ninth. Whenever lands are to be measured that bound upon those of

private individuals who possess them of their own, they will be cited to exhibit their titles, and leaving them in the possession of them, the lines will be run so as not to prejudice them, reserving to the government the right of examining in due time the legitimacy of their titles, and the viciousness of their representations.

Tenth. On the borders of rivers, creeks, and roads, there must not be left spaces of little consideration between the lands that are distributed, endeavoring, in order to avoid it, to diminish the depth some, to make up the quantity in front; and that by these means the line of division of one land may serve as the line of that adjoining; the front of all land will be endeavored not to exceed one-third part.

NOTE.—It will be given to understand, to all those entitled to lands, that one hundred English acres is equal to three Spanish Caballerias, under which rule the entries of surveys will be made.

St. Augustine, Florida, 24th October, 1791.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r and Trans. Sup'r Court, E. D. F.

No. 17.

Eastlake's commission as public surveyor, offered and read in evidance on the part of the United States.

Translation.

Don Juan Nepomuceno de Quesada y Barrionuevo, &c.

It being the pleasure of our lord the king that to strangers who are useful, that wish to settle themselves in this province, there be granted and measured lands gratis in proportion to the number of individuals of their respective families, it has been therefore thought proper to appoint persons of probity and skill to go on and execute the mechanical part in the surveys, as has been done to others who have already availed themselves of the royal benificence. And as Don Samuel Eastlake, formerly an inhabitant of the river St. John's, has made his aptitude and merit appear to the council of ministers which I caused to [be] held on the 21st of August last, by whom he has been deemed to be qualified for that purpose, in exercise of the authority vested in me, he first taking the necessary oath, I have thought proper to appoint him public surveyor pro. tem., with the pay of four dollars per day, for the days (note, from here another was commenced,) he may be engaged. And I order him that, accompanying with absolute dependance the officer who is to act as judge in the operation, he proceeds forthwith to execute it on his part, in accordance with the edict and instructions of which a copy is hereto annexed, and to keep an account of the distributions made, as they are made, in order that he may finally present a general plat showing the distributions, with a statement of districts, and what remain to be distributed. I order and command all whom it may interest, that they may respect him as a public surveyor, and render him the aid

that may be necessary at just prices; and that it may have its due effect, I give him the present commission. Signed under my hand, sealed with my coat of arms, and countersigned by the undersigned secretary of this government by his majesty; which he will present at the royal custom-house that it may be there noted.

Given under my hand, at St. Augustine, Florida, the 20th of September, 1791.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and Trans. Sup. Court, E. D. F.

No. 18.

Commission to Don Josiah Dupont as public surveyor, offered in evidence on the part of the United States.

Translation.

Don Juan Nepomuceno de Quesada y Barridnuevo, &c.

Whereas Don Samuel Eastlake, surveyor, appointed by me in consequence of royal orders for the survey and delineation of lands that are to be given to the settlers of this province, has made known to me in his representation, (memorial,) of the 19th of January last past, the impossibility of his continuing his office on account of the deplorable state of his health, and finding the same good qualifications possessed by his predecessor, in Don Josiah Dupont, exercising the authority which has been vested in me, I have thought proper to appoint him as such public surveyor, with the pay of four dollars per day for the days he may be engaged; and I order him that, accompanying with absolute dependance the officer who is to act as judge in the operation, he will proceed forthwith to put in practice on his part, in accordance with the edict and instructions, of which a copy is annexed, and keep an account of the distributions that may be made, as they are made, in order that finally he may present a general plat shewing what has been distributed, with a statement of the district, and what remains to be distributed. I command and order all those whom it may interest, that they respect him as public surveyor, and furnish him the aid he may require at just prices; and that all may be duly performed, I give him the present commission, signed under my hand and sealed with my coat of arms, and countersigned by the undersigned secretary by his majesty of this government, which he will present at the royal custom house, that note may be there made of it.

Given in St. Augustine, Florida, the 4th of February, 1793.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int. and trans. sup. court, E. D. F.

No. 10.

Commission to Geo. J. F Clarke as surveyor, offered and read in evidence on the part of the United States.

Translation.—Don Juan Jose de Estrada, &c.

Whereas, the office of public surveyor is vacated by the absence of Don Juan Purcell, who exercised it; it being necessary, therefore, for the measurement, by government, of the lands granted gratis to new settlers and those of private individuals, to fill said appointment, without injury to the person who his majesty may think proper to elect and appoint, and there being no person at present to exercise it, and in virtue of the application made by Don George Clarke, soliciting it, possessing at the same time the qualifications of capacity and sufficiency, as has been reported by the commandant of engineers, to whose examination he was subjected, as will appear by the proceeding on that subject, exercising the authority in me vested, I have thought proper to appoint the said Don Geo. Clarke public surveyor in this province and its jurisdiction, entitling him to receive the emoluments of the fee bill, according to that which for the purpose may be made by the said commandant of engineers, with the knowledge of the government, and under the conditions and instructions that it may think proper to furnish him with at present, and other occurrences that may happen. And in order that the said Don Geo. Clarke should be taken and considered to be such public surveyor, and his rights be respected, I have ordered, (taking first the usual oath,) that the present commission be issued to him. Signed under my hand, and countersigned by the undersigned secretary, in St. Augustine, the 2d of May, 1811.

JUAN JOSE DE ENTRALGO,
THOMAS DE AGUILAR.

NOTE.—A copy was on the same day furnished the commandant of engineers.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ,
Int'r and trans. sup. court, E. D. F.

Decree of the court.

And afterwards, to wit, at a superior court, held in and for the said district of East Florida, at the court-house aforesaid, and on tenth day of September, in the year of our Lord one thousand eight hundred and thirty-eight, the decree of the said court was entered of record in this cause, in the words and figures following, to wit:

MARIE ROSE, Francois Felix, Marquis de Fougeres and José Argote Villaloboe, against. THE UNITED STATES OF AMERICA. } Land claim, 16,000 acres.

Whereas, Marie Rose, Francoix Felix, Marquis de Fougères, and

Jose Argote Villalobos did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved the 23d day of May, 1828, on the 8th day of May, 1829, file their petition for the confirmation of certain land therein mentioned, in the clerk's office of the superior court for the eastern district of Florida; and whereas, the attorney of the United States, for this district, did duly appear and file his answer and amended answer to the said petition; and this cause having been heard, and evidence and argument of counsel, as well on the part of the said claimants as on that of the United States, having been offered and submitted to the court, and the court having examined the claim of the said petitioners, and the answer and amended answer of the attorney of the United States, together with the evidence filed in this cause, and having maturely considered of the same, doth *order*, *adjudge*, and *decree*, that this claim is not valid, and that in accordance with the laws and customs of Spain, and under and by virtue of the late "Treaty of amity, settlement, and limits between the United States of America and the King of Spain," ratified by the President of the United States, on the twenty-second of February, 1821, and under and by virtue of the laws of nations, and of the United States, it is hereby *ordered* and decreed, that this claim be *rejected*.

Appeal by the claimants.

And afterwards, to wit, on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and thirty-eight, came the said claimants, by John Rodman, esquire, their solicitor, and filed in the clerk's office aforesaid their appeal from the aforesaid decree of the said court, in the words and figures following, to wit:

Superior court for the eastern district of Florida.

Jose Argote Villalobos, and Marie Rose, Francois Felix, Marquis de Fougères, vs. The United States.	A land claim of 12,000 acres, granted by the Spanish Government of East Florida.

The above claim having been rejected by the superior court in September last, an *appeal* is hereby taken from that decree of the superior court, to the Supreme Court of the United States.

J. RODMAN,
Solicitor for the complainants.

24th November, 1838.

Citation of appeal and return.

And afterwards, to wit, on the 9th day of August, in the year 1844, a citation of appeal was duly issued from the clerk's office aforesaid, which said citation is in the words and figures following, to wit: